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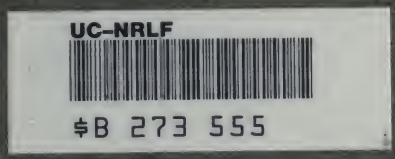

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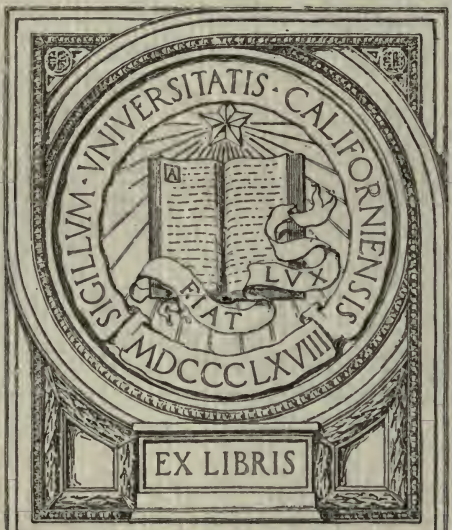

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THE TROUBLES OF A PROSPECTOR

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The

Troubles

After 5 day Re to
J. Melich
442 S. Los Angeles St
" " "

The Troubles of a Prospector

Pacific Press, 718 Maple Ave.

320373

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PREFACE

This book explains all of the various troubles that a prospector comes in contact with while he is out in the mountains and valleys prospecting for precious metals. Giving all the main details of everything connected with the business. Telling how he sometimes walks on top of dry water, and other times crosses over wet water streams at different times when he is off the mountains into the valleys, that are usually watered with creeks, lakes and rivers, that are sometimes dry and sometimes wet. Explaining the different formation of the mineral ledges, their origin, etc.

Besides there is a record of a mineral protest case, against a final proof proceedings. With the exception of one hearing, I fought this case for over two years, without the assistance of a lawyer, and it shows up the inside secret workings of the United States Land Commissioners of this country. And I earnestly think that the Department of the Interior, of Washington, D. C., has done me a great injustice by deciding against me. I have, therefore, decided to publish every detail of this litigation of so-called law and order, in order to lay my case plainly and simply before the citizens of America, or whomsoever may be the reader of this book, selecting you as supreme judges in this matter, having not heard of a similar case in the annals of history. I feel certain that this book contains sufficient interesting and important information that will be serviceable to anyone for future reference. Furthermore, I consider myself duty bound, as an American born citizen, to make these important facts known to the public, regardless of every expense and the time devoted thereto,

laying the matter before you the best I know how. I respectfully submit to the approval of any reader of my book, which is entitled "The Troubles of a Prospector," and will leave it entirely to your impartial judgment, knowing that the reading of the book will enable the reader to arrive at some sort of a conclusion in the matter, and, whatever that final conclusion may be I will be pleased to hear from any one by mail about it if they care to communicate with me in the matter.

INTRODUCTION

Kettle River Journal, Orient, Wash. Vol. XV, No. 2,
Sept. 16, 1911.

(Adv.—Copy of letter mailed.)

NOTICE

Marcus, Stevens Co., Wash., September 6, 1911.

Receiver of General U. S. Land Office, Washington, D. C.:

Dear Sir:—I am informing you that I wrote a letter similar to this to the receiver of General Land Office of Spokane, Wash., stating "to let me know at once if U. S. Commissioner W. C. Kirk presented to you to put on file the protests and the questions sheets from No. 0 to No. 7 that Mr. John S. Metzgar answered by putting the figure 1 under or above the words yes or no; and Mr. John S. Metzgar valiantly refused to answer any more of the questions that should have been answered by him on the sheets from No. 8 to No. 16; and U. S. Commisioner W. C. Kirk did not let me, J. T. Melich, go on in asking Mr. John S. Metzgar the questions on the sheets from No. 8 to No. 16 no farther and that should have been answered by John S. Metzgar; and that I, J. T. Melich, should be made known at once why they should not be answered; and that I, J. T. Melich, and my witneses, Mr. Lea White and Mr. Will Anderson, al of Boyds, Ferry County and the State of Wash., were not allowed a hearing in the case of Mr. John S. Metzgar trying to make final proof to establish claim upon the Greenhorn quartz mineral claim, situated on the n½ of the nw¼ of Sec. 32, and on the ne¼ of the ne¼ of Sec. 31, T. 38 N., R. 37 E. W. M., on the 6th day of September, 1911, when I, J. T. Melich, and my witnesses, Mr. Lea White and Mr. Will Anderson, were all present at the time when the case came up

for hearing on September 6th, 1911, at Marcus, Stevens County, Washington.

"I am no lawyer and have no money to hire a lawyer; I am only a prospector, and I am protecting my claim in good faith as best I know how.

"The quartz mineral lead is here on the Greenhorn quartz mineral claim; it is not going to run away; I will invite the world to investigate it, to examine it, to inspect it, and analyse it and to seperate the ores into their constituent elemental parts, so that the world can state the facts just as they are. That is all that I want the world to know is the facts of the Greenhorn quartz mineral claim, even if I have got to publish it in some of the big papers in the country. Yours truly, hoping an early reply.

"Signed, J. T. MELICH,

2t "Boyds, Ferry County, Wash."

The Troubles of a Prospector.

Marcus, Stevens Co., Washington, Sept. 6th, 1911.

Hal. J. Cole, Register U. S. Land Office, Spokane, Washington.

Sir: In reference to my protest. Find enclosed question sheets That I. J. T. Melich, did put to John S. Metzgar to answer, yes or no. At the hearing of his final proof proceedings Serial No. 03838 right after hearing was called to proceed. By Commissioner W. C. Kirk at 12:30 P. M. Signed: J. T. MELICH.

Land Office, Spokane, Washington, September 7, 1911.

Mr. J. T. Melich, Boyds, Washington.

Sir: I have just received some questions and answers concerning you, and which have no bearing on the question you raise. Or rather, what you send is not in any shape to enable this office to act on same. What you want, if I understand your correctly, is to get some competent person—a competent land attorney would be the best person for you to get, no doubt—to draw up a formal protest against the homestead proof of John S. Metzgar. This protest should show that you have valid mining claims on the said land in question, and it should also show that you have mineral enough to justify a person of ordinary intelligence and prudence in expending his money and time in the development of such mining claims. In other words, you must make out a strong case in order to secure a hearing in the case.

HAL J. COLE, Register.

Boyds, Ferry Co., Wash., Sept. 20, 1911.

Hal. J. Cole, Register U. S. Land Office, Spokane, Washington.

Dear Sir: In reply to yours of the 11th inst.

On the 5th of Sept. 1911 was in all the offices in Marcus, trying to get a sheet of blank mineral protest, and I could not get one in

the whole town. So I went to a lawyer and had him to print me one and when he got through there were clauses in it that I should try to take John Smetzgar's house and home and orchard away from him. and that is why the protest is not as it should have been. And besides my time was short in doing the work right.

Let me tell you just what I want to know. Has this Country got a sensible law that would give me the right to prove up on the mineral that is under the ground, with a sufficient surface ground and timber that would be necessary to have in order to work the mine. Such as a road right-of-way, Tramway right-of-way. Water sluice right-of-way. Mill right-of-way and all other things that are necessary to have in order to work the mine. Not exceeding 10 acres.

Situated on the N. E ¼ of the N. E ¼ of S. 31 T 38 N R 37. E. W. M.

If you could make John S. Metzgar a Deed out to that effect and let me prove up on the mineral that is under the ground, with the above rules and regulations, when I get my work finished on the mine. A law like this would avoid all this trouble of time, labor and money, and as time is very valuable, whether it is put into good use or not it ought to be looked into. But if you say that this fight will have to go on between John S. Metzgar J. T. Melich, you will have to send me some sheets of mineral protest blanks. Answer.

Signed J. T. MELICH.

U. S. Land Office, Spokane, Washington, September 22, 1911.
J. T. Melich, Boyds, Washington.

Sir: I am now in receipt of another letter from you relative to the matter of your filing a protest against the homestead entry of John S. Metzgar. In this last letter, dated September 20, 1911, you ask for "mineral protest blanks." You are advised there is no such a blank printed. You are further advised that this office, in our letters of September 6, 7, and 11, 1911, tried to explain to you what you would have to do in this matter of making protest, but you do not seem to be willing to follow our suggestions. We are very busy, and have no time to write letters unnecessarily. In our letter of September 6, 1911, we made a suggestion that you secure the aid of a competent attorney in the matter, and went so far as to name two that are competent to attend to such matters. We named these two because they are in your section of the country, and because both are familiar with just such matters as land and mining, and mines, and the laws pertaining to same, and, also, they understand just how to

handle matters which come before the U. S. Land Office—something that is only rarely understood by the attorney who confines his practice to the civil courts.

We can add nothing to the letters we have already written.

Very respectfully, HAL J. COLE, Register.

In reply please refer to Spokane 03838 "N" JPB 1 x 1 x R. and R. Spokane.

Department of the Interior
General Land Office, Washington, September 30, 1911.

Information.

Mr. J. T. Melich, Boyds, Washington.

Sir: In reply to your letter of September 6, 1911, to the Bureau of Mines, and referred to this office for appropriate action, you are advised that mineral land cannot lawfully be embraced in an agricultural entry, and the mineral character of the land may be shown at any time prior to final entry on the agricultural filing.

In 38 L. D., 512, the Department said:

> "In this connection it may be observed that under the desert land acts, no matter how extensive may have been the entryman's improvements and reclamation, any disclosure of mineral prior to final entry will defeat the claimant."

If you wish to show that the land embraced in the homestead of John S. Metzgar, Spokane 03838, is mineral in character, you should at once file in the Spokane land office a duly corroborated protest under oath, alleging the land to be mineral, and stating with as much clearness as possible the facts which establish the mineral character of the land, enumerating any discoveries of mineral made thereon, etc. Upon the filing of such a protest, a hearing may be granted at which an opportunity will be afforded to establish the allegations of the protest.

You should, however, act promptly in the matter, for it appears by the data that you have submitted, the date for offering final proof has passed.

Very respectfully, JOHN M. HAUL
Acting Assistant Commissioner.

Board of Law Review. By W. B. Newman. AKG

U. S. Land Office, Spokane, Washington, October 10, 1911.

John T. Melich, Protestant vs John Metzgar, Protestee.

NOTICE OF HEARING

On April 17, 1905, John S. Metzgar made H. E. No. 648 C. S. serial No. 03838, for NE¼ NE¼ Sec. 31, and SW1|4 NW1|4 and N½ NW¼ Sec. 32, Tp. 38 N. R. E.W.M. Proof was submitted September 7, 1911.

On October 6, 1911, the protest by John T. Melich was received and filed in this office, alleging:

That he is the owner and in possession of the Green Horn quartz mineral claim, which said claim was duly located according to the United States mineral laws on July 1, 1909, That said quartz mineral claim is situated on the NE¼ NE¼ of Sec. 31Tp. 38 N. R. 37 E. in the Kettle River Mining District, Ferry County, Washington. That since the location of said mining claim this affiant has done both by himself and by men whom he has employed $400.00 worth of work on said mining claim; that the said work done by affiant as aforesaid is upon four different prospect holes or inclined open cuts, all upon the vein or ledge, which runs across the land above described; That said work is all in plain sight and that the lode or ledge on said property is well defined. That said ledge contains mineral in place, has two well defined walls and contains valuable ore. This protest only applies to the said NE¼ NE¼ of said Sec. 31 and to the NW¼ NW¼ Sec. 32, Tp 38 N. R. 37 E. W. M. This affiant having no interest in the remainder of the land claimed by said homestead entryman.

The allegations of said protest being by the Register and Receiver deemed sufficient, NOW THEREFORE, John T. Melich, protestant and John S. Metzgar, protestee, are hereby notified that a hearing has been ordered to take place before the Register and Receiver of the United States Land Office at Spokane, Washington, at 10 o'clock A. M. on December 7, 1911, at which time and place you and each of you may be present with your witnesses and introduce such testimony as you may desire bearing upon the issues involved.

HAL J. COLE, Register.
L. B. NASH, Receiver.

FORMAL WITHDRAWAL OF PROTEST.

Boyd, Ferry Co., Wash., November 28th, 1911.

Mr. Hal J. Cole, Register, U. S. Land Office, Spokane, Wash.

Dear Sir:—

This is to inform you that I, J. T. Melich, am in possession of five

quartz mineral claims by law, all joining one another on the north of the Greenhorn quartz mineral claim.

My improvements amount to about $3000.00 and the rest of the assessment work, should be done on the main tunnel of the Greenhorn quartz mineral claim.

John Smetzgar has given me a contract for all of the mineral that is in under the ground, that I have got staked out on his homestead. And about 8 acres of surface ground that is not on the lines of least resistences that is necessary to have in order to work the main tunnel of the Greenhorn quartz mineral claim. Situated on the W. ½ of the N. E. ¼ of the N. E. ¼ of S. 31 Township 38, N. R. 37 E. W. M.

This suits me, although I would sooner had 3 acres on the line of least resistance that is necessary to have in order to work the main tunnel on the Greenhorn slaim.

The east part of the 20 acres on the west part above mentioned would be sufficient.

Everyone knows or should know that a poor prospector that has got to go out to look for work to earn money enough to buy his bacon and pack it up those high mountains has not got money to pay for witness myself to go 100 miles to Spokane, Washington, for us to appear at the hearing of my protest at Spokane, 10 A. M. December 7th, 1911.

So I will withdraw my protest against John Smetzgar, final proof proceedings Serial No. 03838. and take chances on the law of human rights.

I have had the human rights so far by law to work my claim, and I earnestly still think that I have got the human rights to keep on working the main tunnel on the Greenhorn quartz mineral claim.

I want you to answer right away and let me know if I have got to stop working the main tunnel on the Greenhorn Mineral Claim before I make too much of a showing that the character of the surrounding lands is mineral and that I am going to have a mine here on this land or this homestead of John Smetzgar.

This is a copy similiar to the one I sent to the U. S. Land of Spokane, Washington to Mr. Hal J. Cole but did not get an answer and that is the way I have been treated all the way through. I demand an answer.

JOHN T. MELICH.

Boyds, Ferry Co., Wash., March 5th, 1912.

Department of the Interior General Land Office, Washington D. C.
Dear Sir:—

In reference to Spokane 03838 "n" J. P. B. let me first call your attention to some of the reasons that I propose her. in the justification of words uterances and the acts whatever they may have been.

In the hearing of John Smetzgar final proof proceeding serial No. 03838 at 12:30 P. M. September 6th, 1911 before commissioner W. C. Kirk at Marcus, Stevens Co., Wash. When I was in Spokane Wash. on Oct. 1st, 1911 I told Mr. Hal J. Cole, register of the U. S. Land office that Mr. James Regan and Mr. Hans Fleckl and Mr. John Smetzgar all were in the office at the same time when they gave in their evidence or suppose to give it to Mr. Commissioner W. C. Kirk handed Mr. James Regan and Mr. Hans Fleckl both at the same time a document to read after, they had read it they both signed it at the same time and that is all that there was to the hearing of witnesses of the case of John Smetzgar final proof proceeding at Marcus, Wash., September 6th, 1911.

When I told this to Mr. Hal J. Cole, Register of the U. S. Land office of Spokane Wash. he got mad at me right before two witnesses Mr. Thomas Root and Mr. Olef Olsen, because I had part of the hearing of John Smetzgar final proof proceedings published in the Kettle River Journal, Orient, Ferry Co., Wash.

It was plain enough for me to see that it was useless for me to speak of the pure simple and truthful facts that the character of the land subscribed is mineral, and that my side of the case has not been recognized from beginning to end. As you can see that part of my evidence that I got in at the hearing of John Smetzgar final proof proceedings at Marcus Wash. Sept. 6th, 1911 was all rejected and of no use to be recognized in the U. S. Land office of Spokane, Wash.

They have all been returned back to me with a statement from Mr. Hal J. Cole that they are of no use to this office. I am writing this so as you will have a clearer understanding of the facts of this case just as they are.

J. T. MELICH.

P. S.—I want an answer to this, if I am not recognized here I will have to try something else until I am recognized.

In reference to Spokane 03838 "N" J. P. B. and referring to this ad in the Marcus Messenger stating that I, J. T. Melich from Boyds was in Marcus Thursday, September 7th, 1911 this is an infernal false-

hood of a lie. I was not in Marcus, Stevens County, Wash. on the 7th of September 1911. I was in Marcus Messenger Office on the 5th of September, 1911, talking to the Auditor myself. I asked him if he had any mineral protest blanks and he said "No I haven't". He said "What do you want them for?" I told him that John Smetzgar's hearing final proof proceeding was to come off here at Marcus, Stevens County on September 6th, 1911 and that my time was short in making out a protest against John Smetzgar final proof proceedings Serial No 03838.

Now ads like this do not happen without cause. It only goes to show by this ad. being published that in the eyes of the women and men of this nation that I, J. T. Melich was not at the hearing of John Smetzgar final proof proceedings showing that the land described was mineral and John S. Metzgar has tried many different ways to make final proof in absence of my showing that the surrounding character of the land is mineral.

He swore before Commissioner Kirk at Marcus September 6th 1911 at the hearing he said that he put one acre of land under cultivation on the N. E. ¼ of the N. E. ¼ of Sec. 31, Township 38 N. R. 37 E. W.?. Now Thomas Root put this one acre of land under cultivation some years ago in a mistake thinking it was his own homestead that he was improving, John S. Metzgar knowing all the time that it did not belong to Thomas Root, but would not tell him while he was clearing it but waited until he had it all plowed, harrowed, seeded and fenced in and then John S. Metzgar told Thomas Root that that land belonged to him and took all his work away from him. What is this world coming to when we have got to honor meanness and starve generosity.

When I was in Spokane, Oct. 1st, 1911 I asked Mr. Hal. J. Cole right before Mr. Thomas Root and Mr. Olef Olson that I wished to see the evidence about that one acre of land in the N. E. ¼ of the N. E. ¼ of Sec. 31 Township 38, R. 37 E. W. M. and Hal J. Cole said that John S. Metzgar evidence shows that he has no improvements on the N. E. ¼ of the N. E. ¼. Now this goes to show that the final proof of John S. Metzgar proceedings after the hearing at Marcus, Wash. September 6th, 1911 has been reframed to suit the privileged party. This is a fact that cannot be denied for John Smetzar gave

in his testimony to Mr. Commissioner Kirk right before Mr. Lea White and J. T. Melich between the hours of 1 and 2 P. M. September 5th 1911 at Marcus, Wash. stating that he, John Smetzgar put one acre of land under cultivation on the N. E. ¼ of the N. E. ¼ of Sec. 31 of Township 38 N. R. 37 E. W. M.

If I do not get a square deal in this matter you will confer me great favor by returning this matter all back to me. Answer.

J. T. MELICH.

Mr. John T. Melich, Boyd's, Washington.
Sir:

In reply please refer to Spokane 03838 "N" JPB 1 x R. & R. encls.

Department of the Interior
General Land Office, Washington, April3, 1912.

Information.

Mr. John T. Melich, Boyd's Washington.
Sir:

In reply to your letter of March 5, 1912, our records show that you filed charges against the homestead entry of John S. Metzgar, Spokane 03838, as the result of which a date for hearing was set, and you filed a stipulation whereby you were to withdraw protest, and Metzgar was to allow you to conduct your mining operations on the land in controversy. The stipulation indicated quite strongly that the land was, infact, valuable for mineral, and this office, therefore, by letter of January 31, 1912 refused to allow your protest to be withdrawn, and the local officers were directed to set another date fo r the hearing, the homestead entry to remain suspended in the meantime.

You admit receiving copy of office letter of January 31, 1912, to this effect, but you seem disinclined to proceed with a hearing, assingning the expense thereof as areason for hesitating. The local officers will, in any event, set a date for a hearing and, in case you fail to appear, the testimony of the homesteader will be taken and a decision rendered thereon.

The various items of correspondence which you transmitted with your letter of March 5, 1912, is returned herewith as requested.

S. V. PROUDFIT, Assistant Commissioner.

Board of Law Review, By W. B. Pugh. 3-20-12 cv

U. S. Land Office, Spokane, Washington, February 6, 1912.

J. T. Melich, Boyds, Washington.

Sir: In the matter of the conflict between your mineral Greenhorn Claims and the Homestead Entry of John S. Metzgar, No. 03838, for patent to the NW¼ NW¼ Sec. 32, and NE¼ NE¼ Sec. 31, T. 38 N., R. 37 E., W. M., I have to advise that your conditional withdrawal of your protest was duly transmitted to the office of the Honorable Commissioner of the General Land Office, at Washington, D. C., and that the Assistant Commissioner did, on the 31st of January, 1912, by his letter "N", refuses to recognize your withdrawal of pro test. The homestead will not be allowed patent until this matter is adjusted, and then only to land which is proven to be non-mineral in character.

You will be allowed thirty days from date of receipt of this notice in which to make formal application for a hearing of this case. In the event of your failure to make such application, appropriate recommendation will be made by this office to the General Land Office.

A copy of the Assistant Commissioner's letter is herewith inclosed for your information, and it is all the information we have in the matter.

We respectfully urge that whatever action you take be made at once, or at any rate within the thirty days allowed.

Very respectfully,

Incl. HAL J. COLE, Register.

In reply please refer to Spokane 03838 "N" JPB 2x.

Department of the Interior

General Land Office, Washington, D. C., January 31, 1912.

Protest not allowed to be dismissed.

Register and Receiver, Spokane, Washington.

Sirs: April 15, 1905, John S. Metzgar filed homestead applica-

tion 648, C. S. (03838) for the N½ NW¼, SW¼ NW¼ Sec. 32, and the NE¼ NE¼ Sec. 31, T. 38 N., R. 37 E., and made final proof September 6, 1911, before United States Commissioner W. C. Kirk.

By letter of September 6, 1911, to the Bureau of Mines, referred to this office, Mr. J. T. Melich, Boyds, Washington, complained that the land, or a part of the same, was mineral and embraced within a mining claim belonging to him, and desired information how to assert his claim. Accordingly, by letter of September 30, 1911, Mr. Melich was advised that he might file in your office a duly corroborated protest, under oath, alleging the land to be mineral, and stating, with as much clearness as possible, the facts establishing the mineral character of the same, enumerating any discoveries of mineral made thereon, etc., and that, if such a protest were filed, he would be afforded an opportunity to establish his allegations.

This office is now in receipt of a communication from you, inclosing notice of a hearing set for December 7, 1911, on a protest filed by Melich, and a stipulation entered into by Melich and Metzgar, November 17, 1911, whereby the former agrees to withdraw his protest, in return for which the homesteader is to allow him the mining privileges of the Greenhorn mining claims; and also a letter from Melich, dated November 30, 1911, to your office, withdrawing his protest, upon the grounds stated in the stipulation.

In view of the facts disclosed by the record, it is deemed highly improper to allow final certificate to the homestead entryman, and you will notify him that the homestead entry will remain suspended until the hearing is had upon the protest of Melich, which this office refuses to allow to be withdrawn.

Upon application therefor, you will set a new date for the hearing and at the same time will endeavor to bring out fully the facts bearing upon the character of the land.

At the proper time report, with evidence of service hereunder on both parties. Two copies inclosed for this purpose.

Very respectfully,

S. V. PROUDFIT, Assistant Commissioner.

C. P. PUGH.

1-27-12 Wlt

U. S. Land Office, Spokane, Washington, April 12, 1912.

John T. Melich, Protestant, vs. John Metzgar, Protestee.

NOTICE OF HEARING.

On April 17, 1905, John S. Metzgar made H. E. No. 648 C. S., serial No. 03838. Proof was submitted September 7, 1911.

On October 6, 1911, protest of John T. Melich was received and filed in this office, alleging:

That he is the owner of and in possession of the Greenhorn quartz mineral claim, which said claim was duly located according to the United States mineral laws on July 1, 1909, and said quartz mineral claim is situated on the NE¼ NE¼ of Sec. 31, Township 38 N. R. 37 E. W. M. in the Kettle River Mining District, Ferry County, Washington. That since the location of said mining claim, that affiant has done both by himself and by men whom he has employed, $400.00 worth of work on said mining claim; That the said work done by affiant as aforesaid is upon four different prospect holes, or inclined open cuts, all upon the vein or ledge which runs across the land above described; That said work is all in plain sight and that the lode or ledge upon said property is well defined. That said ledge contains mineral in place, has two well defined walls and contains valuable ore. This protest only applies to the said NE¼ NE¼ of said section 31, and to the NW¼ NW¼ of Sec. 32, Tp. 38 N. R. 37 E. W. M. This affiant having no interest in the remainder of the land claimed by said homestead entryman.

By Hon. Commissioner's letter "N" of April 4, 1912, this office was instructed to set a new date for hearing in the above case. Now, therefore, John T. Melich, protestant, and John S. Metzgar, protestee, are hereby notified that a hearing has been ordered to take place before the Register and Receiver of the United States Land Office at Spokane, Washington, at 10 A. M. on June 6, 1912, at which time and place you and each of you may be present with your witnesses pre-

pared to introduce such testimony as you desire bearing upon the issues involved.

HAL J. COLE, Register.

L. B. NASH, Receiver.

Boyds, Ferry Co., Wash., Feb. 26th, 1912.

U. S. Land Office, Spokane, Wash.

Mr. Hal J. Cole, (Register)

Sir: Yours of the 6th inst. at hand. I have been snowed in up here on my claim and did not get to town only once or twice a month for my mail and that is why I am so late in answering your notice.

With reference to a hearing on my protest against John Smetzgar final proof proceedings serial No. 03838, I had to sell everything that I had up here that was of any value in order to keep me a live, while I was doing the assessment work on my claims for the year 1911 and this protest fight so far has just drained me dry. I have nothing left that would pay for return passes for my witness and myself to go 100 miles to Spokane to the hearing of my protest showing that the character of the land on the Greenhorn Mineral claims is mineral. Unless existing conditions are radically changed and so arranged that you will send me the return passes that will take us on any day that you will set for the hearing of the protest I cannot think of no way by which I could take the Greenhorn quartz mineral claims into Spokane, so as you could take a look at them.

It would be cheaper for you to come up here to see the character of the land on the Greenhorn claims. You could get more of the pure simple and truthful facts that the character of the land is mineral.

than you could get at a hearing either by word or mouth. If you cannot come send up your mineral expert. He can adjust the facts just as they are of the Greenhorn minerals claim and what more do you want than the fcts.

I know that your Mr. Hall J. Cole has told me once before that J. Melich should dispose with part of my mining claims to some one that would have the courage to defray the expense of this protest fight.

Now to sell anything right in the midst of these hard times in a hurry I would have to sell it at 99-100 per cent less than the actual value of it. The First Thought Mine is valued at $10,000,000.00 at Orient, Wash. it has been shut down for the last 7 months. The Napoleon Mine is about 4 miles S. E. from the Greenhorn claims and is valued at $1,000,000.00 it has been shut down since Oct. 1911 and about the time you told me that I should dispose of my claim most of all the mining brokers and real estate men were moving out of their offices because business was so slack that they could not pay their rent, right in your city of Spokane, Wash. I demand an answer.

J. T. MELICH.

GMS U. S. Land Office, Spokane, Washington,
February 29, 1912.

J. T. Melich, Boyds, Washington.

Sir: In one matter you mention in your letter of the 26th instant, I beg to inform you that you are absolutely mistaken when you intimate that any member of this office suggested that you sell all or any portion of your mining claim to pay the expenses of a contest, or for any other purpose. This office has not one bit of interest in this case. We barely know you and Mr. Melich. We are simply endeavoring to carry out the directions of the Commissioner of the General Land Office. You are further informed that this office has no authority to order mineral experts to examine the land in litigation. You are still further informed that your time allowed for making application for hearing expires April 6, 1912. Very respectfully,

HAL J. COLE, Register.

Boyds, Ferry Co., Wash., May 12th, 1912.

Mr. Hall J. Cole, Register of U. S. Land Office.
Spokane, Wash.

Sir: Reference to the hearing of my protest against John S. Smetzgar final proof proceeding serial No. 03838. Hearing has been

ordered to take place before the register and receiver of the U. S. land office at Spokane, Wash. June 6th at 10 A. M.—1912. You have informed me to get uninterested parties for my witnesses, so I will name Mr. Hans Fleckl, Mr. James Regan all of Boyds, Wash. and Mr. U. S. Commissioner W. C. Kirk of Marcus, Wash.

These witnesses will not go for me for they are uninterested parties just as you have advised me to get for my witnesses. You will have to subpoena them with a summons to appear at the hearing of the above date described and you will have to notify them to get some of the ore that is in place out of the main tunnel and ore that is in place from the apex of the Greenhorn Mineral claim and bring the ore to the hearing of the protest, so as it can be introduced as evidence.

Hope that this will meet with your entire approval.

JOHN T. MELICH, Protestant.

GMS

United States Land Office,

Spokane, Washington, May 16, 1912.

John T. Melich, Boyds, Washington.

Sir: In reply to your letter of the 12th instant. I will say that it appears that you have obtained the wrong understanding as to the kind of witnesses you have to have to appear at the hearing between you and Mr. Metzgar, set for June 6, 1912, in this office. Some time ago when you were directed to make application for a hearing, you were informed that you should make an affidavit showing that you have a really valuable mineral property, what you have done in the way of development, if anything, etc., and that your affidavit should be corroborated by two or more disinterested persons having knowledge of the facts set up in your affidavit. The HEARING is a very different matter. You are allowed to have whomsoever you wish without regard to their being interested or disinterested witnesses. If you wish this office to issue subpoenas for any witnesses. kindly furnish the names and addresses of those persons you wish subpoenaed, and the subpoenas will be prepared and mailed to you for service.

As to the ore you mention, this office has no right to have anything to do with that. If you wish samples to be introduced as exhibits, it will be necessary for you to furnish the same. You can bring whatever number of witnesses you wish, be that many or few.

Very respectfully,

HAL J. COLE, Register.

Boyds, Ferry Co., Wash., May 23rd, 1912.

Hal J. Cole, Register U. S. Land Office, Spokane, Wash.

Sir: In reply to your letter of the 16th inst. you will have to subpoena for my witnesses Mr. Thomas Root—Mr. Lea White and Mr. Hans Fleckl all of Boyds, Wash. to appear at the hearing of my protest against John Smetzgar final proof proceedings serial No. 03838 in Spokane, Wash. June 6th, 1912.

Mr. Hal J. Cole you have stated in your letter, of the above date, as to the ore that I, John T. Melich, have mentioned is in place on the Greenhorn Mineral Claim to introduce as evidence as to the character of the land on the Greenhorn Mineral Claim being mineral in character, you said this office has no right to have anything to do with that.

I demand an answer.

JOHN T. MELICH, Protestant.

GMS

United States Land Office,

Spokane, Washington, May 24, 1912.

John T. Melich, Boyds, Washington.

Sir: In reply to your letter of the 23rd instant, I have prepared and signed subpoenas calling upon Thomas Root, Hans Fleckl, and Lea White, all of Boyds, Washington, to appear at this office on June 6, 1912, as witnesses for you in the case entitled John T. Melich vs. John S. Metzgar, same to be tried that date. The subpoenas are herewithin inclosed for service.

Incls-3.

Very respectfully,

HAL J. COLE, Register.

Boyds, Wash., Oct. 24, 1912.

Mr. Hal J. Cole, Register of U. S. Land Office, Spokane, Wash.

Sir: With reference to the decision rendered in my favor of serial No. 03838 by the register and receiver of the U. S. Land Office of Spokane, Wash. you will confer me a favor by letting me know if Lawyer C. C. Upton is representinfi me, J. T. Melich, in the appeal that John Smetzgar is taking in the above decision by appealing to the Commissioner of the General Land office of Washington, D. C.

I wrote to Mr. C. C. Upton over a week ago about this matter, but did not get an answer as yet. This leaves me totally unconscious as to the facts of everything in the action there has been taken in the

above matter. Pleace give me answer. This mountain is all covered with winter whiteness now and it wont be long before I am snowed in.

Very truly yours,

J. T. MELICH.

GMS

United States Land Office,
Spokane, Washington, October 25, 1912.

John T. Melich, Boyds, Washington.

Sir: In reply to your letter of the 24th instant, you are advised that the records of this office show that Hern & Upton are acting as attorneys for yourself, and that attorney N. D. Walling is acting as attorney for John S. Metzgar. Mr. Walling recently filed an appeal from the decision of this office and the same, with all papers, was transmitted to the General Land Office, Washington, D. C., on the 24th instant (yesterday).

You will be advised when any information is received.

Very respectfully,

HAL J. COLE, Register.

Boyds, Wash., Nov. 4th, 1912.

Mr. Hal J. Cole, Register of U. S. Land Office, Spokane, Wash.

Sir: In reference to the decision rendered in my favor of serial No. 03838 by the register and Receiver of the U. S. Land Office, Spokane, Wash., you are absolutely mistaken when you say as stated in your letter dated Oct. 25, 1912, that Attorneys Hurn and Upton are representing me, J. T. Melich, in the appeal that John Smetzgar is taking the above decision by appealing to the commissioner of the General Land Office of Washington, D. C.

I have letters from Mr. C. C. Upton stating that he never was hired to represent me, J. T. Melich, in the above matter and would not know Mr. Hurn if I saw him. I would not know him for I have never met him in my life. I have never hired a lawyer to represent me, J. T. Melich, and Mr. Upton claims that he was not hired by any one to represent me, J. T. Melich, in the above matter, yet their "must be some reason" why I, J. T. Melich was not served with a copy of the John Smetzgar brief of appeal. There must be some secret work going on that pretends to deceive me in this above matter. Everybody in the whole country around here was talking about the above desicion rendered in my favor two weeks before I got word from Upton about it, and then I would not have got the answer if I had not wrote to Mr. Upton asking him if Mr. Moore had paid him the money he owed him.

This action is going on for no other reason than to keep me, J. T. Melich, totally unconscious of the facts of everything pertaining to the action that there has been taken in the above matter at the hearing of the protest at 10 A. M. June 6th, 1912 when I was told by Hal. J. Cole to take the witness chair, I demanded a copy of the hearing of the protest but have never received one yet. You will confer me favor by sending it to me, and I also would like to have a copy of the final proof proceedings that have taken place 12:30 P. M. Sept. 6th, 1911 at Marcus, Wash. As ever yours,

JOHN T. MELICH.

GMS U. S. LAND OFFICE

Spokane, Washington, November 5, 1912.

John T. Melich, Boyds, Washington.

Sir: Your letter of the 4th instant received. In reply thereto you are advised that the records show that the parties named in our last letter are your attorneys. Since you say that this is not the case, you are advised that this office will serve you personally with all notices, whenever there are any more to be served. It is customary for Land Offices to serve attorney in a case, but since you have informed us that you have not attorneys, all notices in the future will, as I have said, be served on you personally.

This office knows of no secret work "going on". Neither do we believe that there is any such secret work. It is respectfully suggested that if there is any doubt in your mind as to the attitude of this office being proper in every respect, that you correspond direct with the Honorable Commissioner of the General Land Office, Wachington, D. C.

You refer to your having "demanded" a copy of the testimony taken at the hearing. You are informed that this office knew nothing of you wishing a copy of the testimony. If you wish a copy, it can be abtained for you, but you will, of course, have to do as did Mr. Metzgar, pay for the same. Any party in a case has to pay for a typewritten copy of the transcribed stenographic notes. The stenographer states that she will make you a copy for the sum of $5.00, if you desire one.

The Final Proof Papers of Mr. Metzgar are all in the Generai Land Office, Washington, D. C. By paying for the work, you can get a copy by making request of the Honorable Commissioner.

Very respectfully,

HAL. J. COLE, Register

Mr. Hal. J. Cole,

U. S. Land Office, Spokane, Wash.

Boyds, Ferry County, Wash.
November 16th, 1912.

Sir: Your letter of the 5th inst., stating that the records show that the parties named in my last letter are my attorneys. This is not a fact . And I do not know how it ever got on your records. There must be some seret work about this matter between Mr. C. E. Moore, Mr. Upton and yourself. With all the lawyers you have advised me to hire in this case, I have never hired no lawyer yet, any more than just to write me out a protest sheet. I never had the money since you have made me all this unnecessary trouble that caused me to waste all of my valuable time, labor and money that I did have. So how could I hire the lawyer that you have mentioned and advised me to hire when I did not have the money I never hired no lawyer yet in all of the unnecessary trouble that you have made me. When I told you before that time was valuable whether it was put in good use or not and that it should be looked into. Now then if you, Mr. Hal. J. Cole are so prompt in putting everything on record for lawyers that have nothing to do with this case, as stated in your last letter dated Nov. 5th, 1912—that this office know of no secret work going on—referring to me demanding a copy of the hearing of the protest against John S. Metzgar final proof proceedings Serial No 03838 before the Register and Receiver that has taken place at 10 A. M. June 6th, 1912, Spokane, Wash. As I had stated in my last letter November 4th, 1912, I got a receipt from your office showing that I, J. T. Melich, paid $11.25 (eleven dollars and twenty-five cents) for the testimony taken at the above hearing. And you claim that you have no records of me demanding copy of the above hearing and time stated in my letter dated November 4th, 1912.

According to this the morning session of the hearing of the protest that was called up for a hearing by Mr. Hal J. Cole at 10 A. M. June 6th, 1912, Spokane, Wash. has been all reframed and know of no records of it. If that is not secret work going on I do not know what secret work is. And this is the reason why you do not allow me to have a copy of the hearing of the protest. Now I demand it again and also demand a copy of the appeal of the decision given by the Register and Receiver in my favor that John Smetzgar is taking by appealing to the Commissioner of the General Land Office, Washington, D. C. Please send it to me. This is the third time that I have

mentioned this matter to you and have not received one yet. I do not think that it is right that I, J T. Melich, should be kept totally unconscious of the facts of everything pertaining to the action that has been taken in the above matter.

You are paid a salary by the people of this grand nation for your service. You must serve the people. You must not use your propped up authority in making the people serve you. Truth for authority and not authority for truth in serving lawyers that I know nothing of, that they have anything to do with this above matter. As actions speak louder than words, you must be more careful as to how you act. You have stated in your letters that you have shaped and formed habits to serve lawyers. I know that without you telling me, that you have your habits with you and they will linger with you until death. Your habits in serving lawyers will haunt you to your grave. Why don't you tell me something that I do not know anything about. Tell me something about the action that there has been taken in John Smetzgar appeal to the Commissioner of Land Office, Washington. D. C. Grafters can only exist among suckers. A gentleman will have no dealings with a grafter, not if there is any way of getting away from him. Any one that spends his whole life with suckers becomes the product of his conditions. And of course when he comes in contact with a gentleman he gets the direct results of the punishment that comes from the reaction of his acts in spending his whole life with suckers. Would it not be lots better if you had shaped and formed habits to serve the people, instead of serving lawyers, and not try and graft money from poor prospectors that have never got money enough to buy a grubstake or pay for his bacon that he has to pack on his back and pack up on these high mountains before he ever can do his development work. But you are as ignorant as an iguana of this fact, that is totally destitute of this knowledge. Someone has said "Ignorance is Hell. Wisdom is Heaven. When ignorance rules no more—when Wisdom rules, Hell will be no more."

As ever Truly Yours JOHN T. MELICH.

Department of the Interior, General Land Office.

RECEIPT. No. 655129

U. S. Land Office, Spokane, Washington.

June 6th, 1912.

Received of John T. Melich, Boyds, Washington, the sum of Eleven Dollars and twenty-five Cents, Testimony Fees paid by Contestant in connection with Contest No. 3303, filed again, SERIAL No 03838, for:

(Melich vs. Metzgar)

Contest fees (Estimated; not yet transcribed) $11.25. Total, $11.25.

No. 655129
CES
GMS

L. B. NASH,
Receiver of Public Moneys.
U. S. Land Office,
Spokane, Washington, November 20, 1912.

John T. Melich, Boyds, Washington.

Sir: Your letter of the 16th instant received. In reply thereto, you are advised that this office has prepared a copy of the Notice of Appeal, Assignment of Errors, and Argument, of John S. Metzgar in the case of John T. Melich vs. John S. Metzgar, and the same is herewith inclosed for your information in the premises.

Very respectfully,

HAL J. COLE, Register.

Boyds, Ferry Co., Washington, November 26th, 1912.

Mr. Hal J. Cole, Register U. S. Land Office, Spokane, Wash.

Sir: Your letter and the copy of the notice of appeal of the 20th inst. received. For an answer in return will say that the notice of the appeal of the decision rendered in my favor 03838 that John Smetzgar has appealed to the Commission of the General Land Office Washington, D. C., is improper and not being served on me properly; that makes it illegal and unlawful, because it is not signed. What kind of a dirty filthy piece of foul work is this done for some purpose. Perhaps if I take action upon it it will be switched off on some side track. Now Mr. Hal. J. Cole what I want to know is this—What action did you take on the ten pieces of mineral ore that was introduced as evidence at the hearing of my protest against John Smetzgar final proof proceedings Serial No. 03838. Three pieces of mineral ore that Mr. Lea White introduced as evidence. Three pieces of mineral ore that Thomas Roots introduced as evidence and the four pieces of mineral ore that I, J. T. Melich, introduced as evidence. I demand an answer on this question. I want to know what you done with the ten pieces of mineral ore that was introduced as evidence at the hearing of the protest. I am determined to find out and the universal laws of determination will keep the blaze kindled that will flame until I find out what action you have taken on that mineral ore that was introduced as evidence at the hearing of the Protest June 6th, 1912. This evidence is all paid for. As actions speak louder than words, I know you by your actions. That is why I had two extra witnesses at the hearing of the protest that noted

everything that had transpired in the morning and afternoon sessions of the hearing of the protest at 10 A. M. and at 2 P. M., June 6th, 1912. I demand an answer. You did not answer my questions in my last letters.

Do you still declare that your records do not show that I, J. T. Melich, had demanded a copy of the hearing of the protest, as stated in my last two letters dated November 4th and 16th, 1912. Now I demand it again. This is the third time that I have mentioned this matter to you, and have no answer yet and have not received a copy of the the hearing of the protest yet. By you boldly declaring that your record do not show that I, J. T. Melich have demanded a copy of the hearing of the protest, about 15 minutes after I was told by Hal J. Cole to take the witness chair at 10 A. M. June 6th, 1912, Spokane, Wash. This only gives evidence that you have no records to show that there was a forenoon session of the hearing of the protest. Let me tell you right here that it is a truthful fact that the hearing of J. T. Melich, mineral protest against John S. Metzgar final proof proceedings Serial No. 03838, the hearing of the morning and afternoon sessions of the protest has been reframed, after the hearing of the protest of June 6th, 1912, Spokane, Wash. And Hal J. Cole boldly declares it to be the truth, by saying that he has no records to show that there was a morning session. And he has the umpudence by fearlessly denying the truthful knowledge, that I, J. T. Melich, have demanded a copy of the hearing of the mineral protest at the forenoon session that was called up for a hearing by Hal J. Cole at 10 A. M. June 6th, 1912, Spokane, Wash. as stated in my last two letters dated November 4th and 16th, 1912. Here is one lesson of the splendid fact that the hearing of the mineral protest at the above time has been reframed, after the hearing of the above time, and this above matter is the splendid and truthful reasons why Mr. Hal J. Cole, Register of the U. S. Land Office of Spokane, Wash. will not allow or permit me, J. T. Melich, to have a copy of the hearing of the mineral protest against John S. Metzgar final proof proceedings Serial No. 03838. I must take the facts from the hearing. From J. T. Melich Mineral Protest. Called up for a hearing by Mr. Hal J. Cole at 10 A. M. June 6th, 1912, Spokane, Wash. Mr. Hal J. Cole asked me if I had my witnesses here. I, J. T. Melich, said Yes. And then I pointed out Mr. Thomas Roots, Mr. Lea White as my witnesses, and then I, J. T. Melich, requested Mr. Hal J. Cole that the witnesses should go into the witness room and this was granted. After swearing the witnesses, Mr. Hal J.

Cole asked me, J. T. Melich, if I had an attorney and said No, that I did not have any money to hire a lawyer. And then Mr. Hal J. Cole asked me, J. T. Melich, if I was going to plead my own case and I said Yes. And then Mr. Hal J. Cole requested me, J. T. Melich to take the witness chair, and then I, J. T. Melich, proceeded by saying: Let me first of all call your attention to all of the reasons that may be proposed here today at this hearing. In the justification of words, utterances and the acts, whatever they may be of this hearing here today, should be put down in black and white so as there will be no dispute hereafter as to what has been said at this hearing here today. And I, J. T. Melich, demand a copy of the hearing of the mineral protest.

If I, J. T. Melich, had demanded a copy of the hearing of the final proof proceedings that was called up for a hearing by United States Commissioner, Mr. W. C. Kirk, at 12:30 P. M. Sept. 6th, 1911, Marcus Stevens County, Wash. They would never have dared to reframe the final proof proceedings to suit the privileged party in the manner in which it has been done. And there has been quite a lot of dirty ful filthy work going on ever since. And I think I have a right to introduce proceedings to have a stop put to it. I don't know whether the final proof proceedings were reframed in Commissioner W. C. Kirk's office after the hearing at Marcus, Sept. 6th, 1911, or wether it was reframed in the U. S. Land Office of Spokane, Wash.

Just right there and then Mr. Hal J. Cole, Register of U. S. Land Office, Spokane, Wash. had the gall to get up and interrupt me that caused me to break the current of my evidence that I was about to give some of the facts that the final proof has been reframed after the hearing of September 6th, 1911. But Mr. Hal J. Cole stopped me by saying that this case will not go on farther until I, J. T. Melich, put up ten dollars ($10.00). And then, I, J. T. Melich, said that this is violating the Laws of our Constitution of this Country, that have been bought and paid for so dearly with the very heart and life blood of our forefathers, and before their limbs grew stiff and cold their life blood dyed it print of every folds, in order that coming generations may have the pleasure to enjoy life liberty and the pursuit of happiness. The Constitution of this Country gives the right of free speech, free press, free assemblage, and the right above all to defend ourselves in self-defense and everything else that is for human rights is constitutional. The constitution of this country says if anyone is indicted for a crime they must be considered innocent until proven guilty.

Boyds, Ferry Co., Wash., May 23rd, 1912.

Hal J. Cole, Register U. S. Land Office, Spokane, Wash.

Sir: In reply to your letter of the 16th inst. you will have to subpoena for my witnesses Mr. Thomas Root—Mr. Lea White and Mr. Hans Fleckl all of Boyds, Wash. to appear at the hearing of my protest against John Smetzgar final proof proceedings serial No. 03838 in Spokane, Wash. June 6th, 1912.

Mr. Hal J. Cole you have stated in your letter, of the above date, as to the ore that I, John T. Melich, have mentioned is in place on the Greenhorn Mineral Claim to introduce as evidence as to the character of the land on the Greenhorn Mineral Claim being mineral in character, you said this office has no right to have anything to do with that.

I demand an answer.

JOHN T. MELICH, Protestant.

GMS

United States Land Office,

Spokane, Washington, May 24, 1912.

John T. Melich, Boyds, Washington.

Sir: In reply to your letter of the 23rd instant, I have prepared and signed subpoenas calling upon Thomas Root, Hans Fleckl, and Lea White, all of Boyds, Washington, to appear at this office on June 6, 1912, as witnesses for you in the case entitled John T. Melich vs. John S. Metzgar, same to be tried that date. The subpoenas are herewithin inclosed for service.

Incls-3.

Very respectfully,

HAL J. COLE, Register.

Boyds, Wash., Oct. 24, 1912.

Mr. Hal J. Cole, Register of U. S. Land Office, Spokane, Wash.

Sir: With reference to the decision rendered in my favor of serial No. 03838 by the register and receiver of the U. S. Land Office of Spokane, Wash. you will confer me a favor by letting me know if Lawyer C. C. Upton is representinfi me, J. T. Melich, in the appeal that John Smetzgar is taking in the above decision by appealing to the Commissioner of the General Land office of Washington, D. C.

I wrote to Mr. C. C. Upton over a week ago about this matter, but did not get an answer as yet. This leaves me totally unconscious as to the facts of everything in the action there has been taken in the

above matter. Pleace give me answer. This mountain is all covered with winter whiteness now and it wont be long before I am snowed in.

Very truly yours,

J. T. MELICH.

GMS

United States Land Office,
Spokane, Washington, October 25, 1912.

John T. Melich, Boyds, Washington.

Sir: In reply to your letter of the 24th instant, you are advised that the records of this office show that Hern & Upton are acting as attorneys for yourself, and that attorney N. D. Walling is acting as attorney for John S. Metzgar. Mr. Walling recently filed an appeal from the decision of this office and the same, with all papers, was transmitted to the General Land Office, Washington, D. C., on the 24th instant (yesterday).

You will be advised when any information is received.

Very respectfully,

HAL J. COLE, Register.

Boyds, Wash., Nov. 4th, 1912.

Mr. Hal J. Cole, Register of U. S. Land Office, Spokane, Wash.

Sir: In reference to the decision rendered in my favor of serial No. 03838 by the register and Receiver of the U. S. Land Office, Spokane, Wash., you are absolutely mistaken when you say as stated in your letter dated Oct. 25, 1912, that Attorneys Hurn and Upton are representing me, J. T. Melich, in the appeal that John Smetzgar is taking the above decision by appealing to the commissioner of the General Land Office of Washington, D. C.

I have letters from Mr. C. C. Upton stating that he never was hired to represent me, J. T. Melich, in the above matter and would not know Mr. Hurn if I saw him. I would not know him for I have never met him in my life. I have never hired a lawyer to represent me, J. T. Melich, and Mr. Upton claims that he was not hired by any one to represent me, J. T. Melich, in the above matter, yet their "must be some reason" why I, J. T. Melich was not served with a copy of the John Smetzgar brief of appeal. There must be some secret work going on that pretends to deceive me in this above matter. Everybody in the whole country around here was talking about the above desicion rendered in my favor two weeks before I got word from Upton about it, and then I would not have got the answer if I had not wrote to Mr. Upton asking him if Mr. Moore had paid him the money he owed him.

This action is going on for no other reason than to keep me, J. T. Melich, totally unconscious of the facts of everything pertaining to the action that there has been taken in the above matter at the hearing of the protest at 10 A. M. June 6th, 1912 when I was told by Hal. J. Cole to take the witness chair, I demanded a copy of the hearing of the protest but have never received one yet. You will confer me favor by sending it to me, and I also would like to have a copy of the final proof proceedings that have taken place 12:30 P. M. Sept. 6th, 1911 at Marcus, Wash. As ever yours,

JOHN T. MELICH.

GMS U. S. LAND OFFICE

Spokane, Washington, November 5, 1912.

John T. Melich, Boyds, Washington.

Sir: Your letter of the 4th instant received. In reply thereto you are advised that the records show that the parties named in our last letter are your attorneys. Since you say that this is not the case, you are advised that this office will serve you personally with all notices, whenever there are any more to be served. It is customary for Land Offices to serve attorney in a case, but since you have informed us that you have not attorneys, all notices in the future will, as I have said, be served on you personally.

This office knows of no secret work "going on". Neither do we believe that there is any such secret work. It is respectfully suggested that if there is any doubt in your mind as to the attitude of this office being proper in every respect, that you correspond direct with the Honorable Commissioner of the General Land Office, Washington, D. C.

You refer to your having "demanded" a copy of the testimony taken at the hearing. You are informed that this office knew nothing of you wishing a copy of the testimony. If you wish a copy, it can be obtained for you, but you will, of course, have to do as did Mr. Metzgar, pay for the same. Any party in a case has to pay for a typewritten copy of the transcribed stenographic notes. The stenographer states that she will make you a copy for the sum of $5.00, if you desire one.

The Final Proof Papers of Mr. Metzgar are all in the General Land Office, Washington, D. C. By paying for the work, you can get a copy by making request of the Honorable Commissioner.

Very respectfully,

HAL. J. COLE, Register

Mr. Hal. J. Cole,

U. S. Land Office, Spokane, Wash.

Boyds, Ferry County, Wash.
November 16th, 1912.

Sir: Your letter of the 5th inst., stating that the records show that the parties named in my last letter are my attorneys. This is not a fact . And I do not know how it ever got on your records. There must be some seret work about this matter between Mr. C. E. Moore, Mr. Upton and yourself. With all the lawyers you have advised me to hire in this case, I have never hired no lawyer yet, any more than just to write me out a protest sheet. I never had the money since you have made me all this unnecessary trouble that caused me to waste all of my valuable time, labor and money that I did have. So how could I hire the lawyer that you have mentioned and advised me to hire when I did not have the money I never hired no lawyer yet in all of the unnecessary trouble that you have made me. When I told you before that time was valuable whether it was put in good use or not and that it should be looked into. Now then if you, Mr. Hal. J. Cole are so prompt in putting everything on record for lawyers that have nothing to do with this case, as stated in your last letter dated Nov. 5th, 1912—that this office know of no secret work going on—referring to me demanding a copy of the hearing of the protest against John S. Metzgar final proof proceedings Serial No 03838 before the Register and Receiver that has taken place at 10 A. M. June 6th, 1912, Spokane, Wash. As I had stated in my last letter November 4th, 1912, I got a receipt from your office showing that I, J. T. Melich, paid $11.25 (eleven dollars and twenty-five cents) for the testimony taken at the above hearing. And you claim that you have no records of me demanding copy of the above hearing and time stated in my letter dated November 4th, 1912.

According to this the morning session of the hearing of the protest that was called up for a hearing by Mr. Hal J. Cole at 10 A. M. June 6th, 1912, Spokane, Wash. has been all reframed and know of no records of it. If that is not secret work going on I do not know what secret work is. And this is the reason why you do not allow me to have a copy of the hearing of the protest. Now I demand it again and also demand a copy of the appeal of the decision given by the Register and Receiver in my favor that John Smetzgar is taking by appealing to the Commissioner of the General Land Office, Washington, D. C. Please send it to me. This is the third time that I have

mentioned this matter to you and have not received one yet. I do not think that it is right that I, J. T. Melich, should be kept totally unconscious of the facts of everything pertaining to the action that has been taken in the above matter.

You are paid a salary by the people of this grand nation for your service. You must serve the people. You must not use your propped up authority in making the people serve you. Truth for authority and not authority for truth in serving lawyers that I know nothing of, that they have anything to do with this above matter. As actions speak louder than words, you must be more careful as to how you act. You have stated in your letters that you have shaped and formed habits to serve lawyers. I know that without you telling me, that you have your habits with you and they will linger with you until death. Your habits in serving lawyers will haunt you to your grave. Why don't you tell me something that I do not know anything about. Tell me something about the action that there has been taken in John Smetzgar appeal to the Commissioner of Land Office, Washington, D. C. Grafters can only exist among suckers. A gentleman will have no dealings with a grafter, not if there is any way of getting away from him. Any one that spends his whole life with suckers becomes the product of his conditions. And of course when he comes in contact with a gentleman he gets the direct results of the punishment that comes from the reaction of his acts in spending his whole life with suckers. Would it not be lots better if you had shaped and formed habits to serve the people, instead of serving lawyers, and not try and graft money from poor prospectors that have never got money enough to buy a grubstake or pay for his bacon that he has to pack on his back and pack up on these high mountains before he ever can do his development work. But you are as ignorant as an iguana of this fact, that is totally destitute of this knowledge. Someone has said "Ignorance is Hell. Wisdom is Heaven. When ignorance rules no more—when Wisdom rules, Hell will be no more."

As ever Truly Yours JOHN T. MELICH.

Department of the Interior, General Land Office.

RECEIPT. No. 655129

U. S. Land Office, Spokane, Washington.

June 6th, 1912.

Received of John T. Melich, Boyds, Washington, the sum of Eleven Dollars and twenty-five Cents, Testimony Fees paid by Contestant in connection with Contest No. 3303, filed again, SERIAL No. 03838, for:

(Melich vs. Metzgar)

Contest fees (Estimated; not yet transcribed) $11.25. Total, $11.25.

No. 655129
CES
GMS

L. B. NASH,
Receiver of Public Moneys.
U. S. Land Office,
Spokane, Washington, November 20, 1912.

John T. Melich, Boyds, Washington.

Sir: Your letter of the 16th instant received. In reply thereto, you are advised that this office has prepared a copy of the Notice of Appeal, Assignment of Errors, and Argument, of John S. Metzgar, in the case of John T. Melich vs. John S. Metzgar, and the same is herewith inclosed for your information in the premises.

Very respectfully,

HAL J. COLE, Register.

Boyds, Ferry Co., Washington, November 26th, 1912.

Mr. Hal J. Cole, Register U. S. Land Office, Spokane, Wash.

Sir: Your letter and the copy of the notice of appeal of the 20th inst. received. For an answer in return will say that the notice of the appeal of the decision rendered in my favor 03838 that John Smetzgar has appealed to the Commission of the General Land Office Washington, D. C., is improper and not being served on me properly; that makes it illegal and unlawful, because it is not signed. What kind of a dirty filthy piece of foul work is this done for some purpose. Perhaps if I take action upon it it will be switched off on some side track. Now Mr. Hal. J. Cole what I want to know is this—What action did you take on the ten pieces of mineral ore that was introduced as evidence at the hearing of my protest against John Smetzgar final proof proceedings Serial No. 03838. Three pieces of mineral ore that Mr. Lea White introduced as evidence. Three pieces of mineral ore that Thomas Roots introduced as evidence and the four pieces of mineral ore that I, J. T. Melich, introduced as evidence. I demand an answer on this question. I want to know what you done with the ten pieces of mineral ore that was introduced as evidence at the hearing of the protest. I am determined to find out and the universal laws of determination will keep the blaze kindled that will flame until I find out what action you have taken on that mineral ore that was introduced as evidence at the hearing of the Protest June 6th, 1912. This evidence is all paid for. As actions speak louder than words, I know you by your actions. That is why I had two extra witnesses at the hearing of the protest that noted

everything that had transpired in the morning and afternoon sessions of the hearing of the protest at 10 A. M. and at 2 P. M., June 6th, 1912. I demand an answer. You did not answer my questions in my last letters.

Do you still declare that your records do not show that I, J. T. Melich, had demanded a copy of the hearing of the protest, as stated in my last two letters dated November 4th and 16th, 1912. Now I demand it again. This is the third time that I have mentioned this matter to you, and have no answer yet and have not received a copy of the the hearing of the protest yet. By you boldly declaring that your record do not show that I, J. T. Melich have demanded a copy of the hearing of the protest, about 15 minutes after I was told by Hal J. Cole to take the witness chair at 10 A. M. June 6th, 1912, Spokane, Wash. This only gives evidence that you have no records to show that there was a forenoon session of the hearing of the protest. Let me tell you right here that it is a truthful fact that the hearing of J. T. Melich, mineral protest against John S. Metzgar final proof proceedings Serial No. 03838, the hearing of the morning and afternoon sessions of the protest has been reframed, after the hearing of the protest of June 6th, 1912, Spokane, Wash. And Hal J. Cole boldly declares it to be the truth, by saying that he has no records to show that there was a morning session. And he has the umpudence by fearlessly denying the truthful knowledge, that I, J. T. Melich, have demanded a copy of the hearing of the mineral protest at the forenoon session that was called up for a hearing by Hal J. Cole at 10 A. M. June 6th, 1912, Spokane, Wash. as stated in my last two letters dated November 4th and 16th, 1912. Here is one lesson of the splendid fact that the hearing of the mineral protest at the above time has been reframed, after the hearing of the above time, and this above matter is the splendid and truthful reasons why Mr. Hal J. Cole, Register of the U. S. Land Office of Spokane, Wash. will not allow or permit me, J. T. Melich, to have a copy of the hearing of the mineral protest against John S. Metzgar final proof proceedings Serial No. 03838. I must take the facts from the hearing. From J. T. Melich Mineral Protest. Called up for a hearing by Mr. Hal J. Cole at 10 A. M. June 6th, 1912, Spokane, Wash. Mr. Hal J. Cole asked me if I had my witnesses here. I, J. T. Melich, said Yes. And then I pointed out Mr. Thomas Roots, Mr. Lea White as my witnesses, and then I, J. T. Melich, requested Mr. Hal J. Cole that the witnesses should go into the witness room and this was granted. After swearing the witnesses, Mr. Hal J.

Cole asked me, J. T. Melich, if I had an attorney and said No, that I did not have any money to hire a lawyer. And then Mr. Hal J. Cole asked me, J. T. Melich, if I was going to plead my own case and I said Yes. And then Mr. Hal J. Cole requested me, J. T. Melich to take the witness chair, and then I, J. T. Melich, proceeded by saying: Let me first of all call your attention to all of the reasons that may be proposed here today at this hearing. In the justification of words, utterances and the acts, whatever they may be of this hearing here today, should be put down in black and white so as there will be no dispute hereafter as to what has been said at this hearing here today. And I, J. T. Melich, demand a copy of the hearing of the mineral protest.

If I, J. T. Melich, had demanded a copy of the hearing of the final proof proceedings that was called up for a hearing by United States Commissioner, Mr. W. C. Kirk, at 12:30 P. M. Sept. 6th, 1911, Marcus Stevens County, Wash. They would never have dared to reframe the final proof proceedings to suit the privileged party in the manner in which it has been done. And there has been quite a lot of dirty ful filthy work going on ever since. And I think I have a right to introduce proceedings to have a stop put to it. I don't know whether the final proof proceedings were reframed in Commissioner W. C. Kirk's office after the hearing at Marcus, Sept. 6th, 1911, or wether it was reframed in the U. S. Land Office of Spokane, Wash.

Just right there and then Mr. Hal J. Cole, Register of U. S. Land Office, Spokane, Wash. had the gall to get up and interrupt me that caused me to break the current of my evidence that I was about to give some of the facts that the final proof has been reframed after the hearing of September 6th, 1911. But Mr. Hal J. Cole stopped me by saying that this case will not go on farther until I, J. T. Melich, put up ten dollars ($10.00). And then, I, J. T. Melich, said that this is violating the Laws of our Constitution of this Country, that have been bought and paid for so dearly with the very heart and life blood of our forefathers, and before their limbs grew stiff and cold their life blood dyed it print of every folds, in order that coming generations may have the pleasure to enjoy life liberty and the pursuit of happiness. The Constitution of this Country gives the right of free speech, free press, free assemblage, and the right above all to defend ourselves in self-defense and everything else that is for human rights is constitutional. The constitution of this country says if anyone is indicted for a crime they must be considered innocent until proven guilty.

Am I, J. T. Melich, to blame because there is mineral on the Green Horn Mineral Claim, that I should be fined $10.00 (ten dollars). Go and find the fellow that put the mineral on the Green Horn Mineral Claim. Find him, he is the guilty one and the right one to fine. Go and get his ashes and throw them to the wind, and perhaps the whole formation of the Green Horn Mineral Claim will change from mineral to unminmineral. And the apex with a solid two feet of mineral ore right between two well defined walls on the apex of the high mountain of the Green Horn Mineral Claim will disappear and vanish away from the face of the globe of the Earth, so as it will be invisible to any intelligent mind of intellectual capacity of skill and knowledge.

Just there John S. Metzgar lawyer, N. D. Walling, got up and said I think it is no more than right that I, J. T. Melich, should go good for one half of the cost of the expense of the case. And then I, J. T. Melich, said that I did not have ten dollars ($10.00) and Hal J. Cole knows it. And Hal J. Cole said "I do not". And I, J. T. Melich "You do know it". Everybody knows that a poor prospector has to go out to look for work first to earn money enough for to buy grub stake or pay for his bacon that he has to pack on his back up on these high mountains before ever he can do any development work. He has not got ten ldollars.

Some time in the first part of the month of October, 1911, Mr. Olaf Olsen, Mr. Thomas Roots and I, J. T. Melich, went into the U. S. Land Office, Spokane, Wash., to see Mr. Hal J. Cole. He advised me to get this lawyer to plead my protest case, that John S. Metzgar has to plead his case against my protest—Attorney N. D. Walling. He told the lady typewriter to write me out his address on a slip of paper right before these two witnesses. After Metzgar-s lawyer, N. D. Walling, got through interrupting me in my evidence in the case of the hearing, that I was trying to secure for myself, I, J. T. Melich, got up and said that I think I have a right to know whether it is the People of this grand nation that is trying to take my mineral claims away from me, or whether it is the propped up authority of our Government that derives its powers from the People of this grand nation, that is trying to take my mineral claims away from me. And then Hal J. Cole got up and shut me off by saying that he would give me until 2 o'clock to pay the fine that he had imposed upon me, in order to secure a hearing in the case. He did this all because I did not submit to speak to suit him, he shut me off because he did not want me to prove that the final proof was reframed

after the hearing of Marcus 12:30 P. M. Sept. 6th, 1911, Marcus, Wash. Right before three witnesses that heard the whole case of the hearing of the protest at 10 A. M. June 6th 1912 Mr. C. E. Moore, Mr. Joe Stariha and Mr. Lenard Schultz, all of Spokane, Washington. When we all got out side, Mr. C E. Moore said to me, you want to get a lawyer. I said I did not have the money to pay for a lawyer. Then Mr. Moore said come with me, I will hire you a lawyer and pay him myself. So he took us to the Hyde Block. After Mr. Moore made the bargain with Attorney C. C. Upton, that he was to look to Mr. Moore forthe $25.00 (twenty-five) dollars, that he agreed upon to take the case, and that he would not look to me, J. T. Melich. for the pay or trouble me for any money, right before two witnesses Mr. Lea White, Mr. Thomas Roots and myself. This action of Mr. Hal J. Cole in order for I, J. T. Melich, to secure a hearing in the protest of John S. Metzgar final proof proceedings Serial No. 03838, forced me, J. T. Melich, to sign over one half interest of my five mineral claims in a hurry haste in order to secure a hearing in the protest in the above matter inside of two hours to Mr. C. C. Moore for a little or nothing, according to rules and regulations of agreements drawn up in contract. And this corresponds with a letter that I received from Mr. Hal J. Cole dated Sept. 7th, 1911, stating that I, J. T. Melich, should get a lawyer to draw me up a formal protest against the Homestead proof of John S. Metzgar. This protest should show that you have valid mining claims on the side land in question. And it should also show that you have mineral enough to justify a person of ordinary intelligence and prudence in expending his time and money in the development of such mining claims Or in other words, I must make out a good strong case in order to secure a hearing in the case. What is it that you Mr. Hal J. Cole want me to make up? What is it that you want me to frame up, in order to secure a hearing in the case? What is it? Can I make up or frame up the mineral formation of the Greenhorn Mineral Claim any different than the character of mineral is on the Greenhorn claim?

"What is it you want me to make up." There is nothing to make up or frame up that I can see. The character of mineral on the Greenhorn Mineral Claim is just what it is, and no one is going to change the formation of the mineral on the Greenhorn Claim in a hurry haste. There has been some of it as a result carried or drawn away. I, J. T. Melich, wrote a letter to Mr. Hal J. Cole dated on the 26th day of February, 1912, stating to Mr. Hal J. Cole that he has told

me once before to sell a part of my mining claims to some person that would spend their time and money in the development of my mining claims, if I could show valuable mineral enough to justify them to do it. Mr. Hal J. Cole answered the letter February 29th, 1912, stating I beg to inform you that you are absolutely mistaken when you say or intimate that any member of this office suggested that youshould sell all or part or portion of your mining claims or for any other purposes. Now here comes the question, Mr. Hal J. Cole. Who is that person of ordinary intelligence and prudence that I, J. T. Melich, am to show mineral enough to justify him to spend his time and money in the development of my mining claims, without selling him an interest in my mining claims? Or, in other words, who is that person of ordinary intelligence that will spend his time and money into something that he has no interest in? Or, who is it that wants to buy a law suit? Mr. Hal J. Cole your statements are not on the main track, they are on a switch and you have them so arranged. so as you can switch them from one track to another until no one knows what track they are on. Your actions actions speak louder than words.

From the time of the final proceedings, Sept. 6th, 1911, up to the hearing of the protest 10 A. M. June 6th, 1912, and the appeal that John S. Metzgar has taken from the decision rendered in my favor by the Register and Receiver of U. S. Land Office, Spokane, Wash., John S. Metzgar by appealing the decision to the Commissioner of the Interior Department of the General Land Office, Washington, D. C. nothing is on the right track, but everything has been switched from one time to another. It is time that this switcheing should be stopped. It is all a joke and a graft, and I want you to stop it. No one is entitled to any more land, water and air than what they can use and actually can put to use by their own labor. That is more than Mr. Hal J. Cole dare to have courage to say; he has not the courage to uphold the universal laws.

Fred Johnson and Pete Hanson the big railroad contractors wrote their names and addresses in my book. Address 1227 Columbia Ave., Spokane, Wash. Fred Johnson told me to write to him and let him know whenever I had shipping ore. He said he would come up here and put in the mechanical machinery that would put the ore on the market. I have got shipping ore right now, but I don't wish to confront these gentlemen with this joke of a law suit, which is nothing more than a graft to graft money out of poor prospectors, or in other words—Who is it that wants to buy a law suit?

Mr. James Hopkins, Attorney at Law, practices in United States Courts and Land Office, only address 221 Jamison Block, Spokane, Wash. This fine old gentleman told me that he would like to buy an interest in my mining claims, and then he said—But who is it that wants to buy a law suit? Is this not proof enough that law suits are all jokes and grafts?

Now, Mr. Hal J. Cole, Register of U. S. Land Office, Spokane, Wash., let me know if all the main details of the hearing of the protest of the morning session at 10 A. M. June 6, 1912, Spokane, Wash., is or is not stated in this letter of all sheets, No. 1 to11. I demand an answer.

As ever yours truly,

JOHN T. MELICH.

(No answer yet).

Boyds, Ferry Co, Washington, December 5th 1912.

Mr. Hal J. Cole, Register of U. S. Land Office, Spokane, Wash.

Sir: I wrote you a letter dated November 26, 1912, stating for you to let me know if all of the main details of the morning session of the hearing of protest is or is not stated in this letter of 11 sheets. But did not get an answer yet. If you are not going to answer any more of my letters in regard to this matter, let me know and I will not spend any more of my valuable time in writing to you about this matter.

JOHN T. MELICH.

(No answer yet).

Boyds, Ferry Co., Washington, December 19, 1912.

L. B. Nash, Receiver of the U. S. Land Office, Spokane, Wash.

Sir: I wrote a letter to Mr. Hal J. Cole of U. S. Land Office, Spokane, Wash. dated November 26, 1912, stating to let me know if all the main details of the morning session of the hearing of the protest at 10 A. M. June 6th, 1912, is or is not stated in this letter of 11 sheets, but did not get an answer yet. I wrote another letter to Hal. J. Cole dated December 5, 1912, stating if you are not going to answer any more of my letters let me know and I will not spend any more of my valuable time in writing to you about this matter.

JOHN. T. MELICH.

U. S. Land Office, Spokane, Wash., December 21st, 1912.

John T. Melich, Boyds, Washington.

Sir: It is somewhat difficult to answer your letter, for the reason that it is difficult to understand the nature of your grievance. You ask me why Mr. Cole, the Register, does not answer your let-

ter. I suppose it is for the reason that there is nothing to answer. Mr. Cole is always very promtto answer all communications that have even the semblance of merit in them.

Perhaps on reflection you have no cause to find fault with anything connected with this office.

1st,—You had a contest. Mr. Cole, the Register, heard it, and it was decided in your favor. I take it that you are not dissatisfied or displeased with that.

2nd,—The other side was displeased, and have appealed. This office could not, of course, prevent that.

3rd,—The very moment an appeal was taken, this office had nothing more to do with the case. It had then passed out beyond our jurisdiction.

4th,—After the appeal was taken all that we had to do was to send up the entire record to the Commissioner of the General Land Office, which was done, and the case and the record are now all before that office.

You will therefore readily see that we have nothing further to do with it. You had an attorney in this case, and it is usual and proper, when parties have an attorney, to transact business with the attorney.

I am very confident that if you had consulted your attorney you would have been saved all this wholly useless correspondence. As before remarked, this office decided the case in your favor, gave you all you asked for, and it has now passed entirely beyond our jurisdiction and control; and you will readily see that any further correspondence on your part will serve no useful purpose, so far as this office is concerned.

Very respectfully,

LBN|CES L. B. NASH, Receiver.

November 20th, 1912.

Copy prepared by U. S. Land Office, Spokane, Wash.
Department of the Interior State Land Office, Spokane, Wash. John T. Melich, Protestant—Serial No. 03838. vs John S. Smetzgar, Protestee. Involving N. E. ¼ of N. E. ¼, Section 31 and the N. W. ¼ of the N W. ¼, Section 32, Township No. 38 North, Range 37 E. W. M.

In reference to the notice of appeal, assignment of errors and arguments of the above matter it is false and not conformable to facts. Every since the time of 12:30 P. M. September 6th 1911 at Marcus, Stevens County, Wash. John Smetzgar has been trying to make final proof in the absent of showing that there is an apex with two feet of solid mineral ore that looks as though it has been melted or badly burnt, scorched, baked or roasted by heat right in between two well defined walls on the apex of the high mountain of the Greenhorn Mineral Claim situated on the N. ½ N. W. ¼ of the N. W. ¼ of Sec. 32, Township 38 N. Range 37 E. W. M. Up to the present time John S. Metzgar has been trying to make final proof in the absent of showing this apex of two feet of solid mineral ore that sticks right up in the air and looks as though it has been melted or badly burned right in between two well defined walls.

Has John Smetzgar at any time in his life ever made or got any one to make him qualitative or complete analysis on this ore in the apex. Oh! no, in his eyes this apex of ore has never existed. He has never yet stated that this apex of two feet of ore right in between two well defined walls on the Greenhorn claim exists.

Has John Smetzgar ever yet at any time got this land of the N. ½ of the N. W. ¼ of the N. W. ¼ of Sec. 32, Township 38 N. Range 37 E. W. M. examined or investigated by an inspector, U. S. Mineral expert inspector or surverver General that would state the facts as to the character of the mineral, just as they are. What more does he want than facts. Oh no, he does not want anything like a U. S. inspector to appear on the scene of this appeal of the decision rendered in my favor by the Register and Receiver of Spokane, Wash.

Why is it John Smetzgar so vigorously objects? Why is it that he so fearlessly objects in having the Greenhorn Min-

eral Claim inspected by a U. S. Surveyer General? Is it because it takes less or requires less mental effort to condemn than it does to investigate, to inspect, to examine, to analyse, to seperate the elements of the mineral into their constituent elemenary parts of this abov matter.

I, J. T. Melich demand an investigation by a U. S. Mineral expert inspecter Surveyer General to inspect this above matter. United States Laws Sec. 2335, Land Office rules regulations 101 also 103 and also (1) lands returned a mineral by the surveyer General when such lands are showed to be entered as agricultural under laws which require the submission of final proof after the publication and posting the filing of proper nun mineral affidavit in the absence of alligation that the land is mineral in character will be deemed sufficient as a parlimentary requirement.

A satisfactory showing as to the character of land must be made when final proof is submitted. This is perjury right in the eyes of so called upright Honorable Commissioners of U. S. Land Office, Washington, D. C. Perjury penalty thereof United States Law, Sec. 5392. Every person who having taken an oath before a competent tribunal officer, or person in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, certify truly or that any written testimony, declaration, deposition, or certificate by him subscribed is true, willfully and contrary to such oath states or subscribes any material matter which he does not think to be true, is guilty of perjury and shall be punished by a fine of not more than five thousand dollars and by imprisonment at hard labor not more than five years, and shall moreover thereafter be incapable of giving testimony in any court of the United States until such time as the judgment against him is reversed.

Why is it that John S. Metzgar boldly declares that there

is no apex of about two feet of mineral ore right in between two well defined wals of the apex of the high mountain of the Greenhorn Mineral Claim. And also swears that there is no mineral ore in the main tunnel of the Greenhorn Mineral Claim situated on the N. E. ¼ of the N. E. ¼ of Section 31, township 38 N, Range 27 E. W. M. This perjury right in the eyes of so called Honorable Commissioners of General Land Office, Washington, D. C.

Notice of appeal to John T. Melich and C. C. Upton, his attorney.

Sirs: This above statement is not true and not conformable to facts. Attorney Upton is not my lawyer in this above matter, as I know of unless Hal. J. Cole had him employed to make use of his service by looking after this matter. Right at the close of the morning and afternoon sessions of the hearing of the protest on June 6th, 1912, Hal. J. Cole asked Mr. Upton if he would look after the rest of this mater and Mr. Upton said yes and then Hal J. Cole wanted, I, J. T. Melich to go into the office room with Mr. C. C. Upton to sign articles or stipulations that Hal. J. Cole wanted it to put on file. I, J. T. Melich said that I did not have any money to hire a lawyer and I, J. T. Melich did not go into the office room, but Hal J. Cole and Mr. Upton did not seem to pay any attention to what I had said. Mr. Lea White, Mr. Thomas Roots heard the same thing and there were others there that heard this above matter.

I have a letter from Mr. Upton stating that I, J. T. Melich had never hired him to attend to this above matter. I don't know how Mr. Hal J. Cole got this above statement on his records. You can search me as to how he got it to put on file. I am totally unconscious of the facts of everything pertaining to the method he had employed to put it on his record.

Please take notice that John S. Metzgar appeals to the so-called Honorable Commissioners of the General Land Office from the decision of the Register and Receiver rendered in my favor August 27th, 1912 in the foregoing entitled case dated September 24th, 1912.

N. D. Walling, Attorney for John S. Metzgar. This is the atorney that Hal J. Cole advised I, J. T. Melich to hire for to make me out a formal protest against the homestead proof of John S. Metzgar and told the Lady typewriter to write me out his address on a slip of paper right before two witnesses, Olaf Olsen and Mr. Thomas Roots in the first part of the month of October 1911.

SPPECIFICATIONS OF ERRORS.

Register and Receiver errors No. 1 and 2.

In recognizing the land embraced in Metzgar's homestead entry and in conflict with the alleged mineral claims of Melich to be mineral in character.

IN REFERENCE TO STATEMENT

All of the evidence so far in this case from start to finish goes to show as a splendid fact that Hal J. Cole Register has been the bitterest enemy that I, J. T. Melich ever had dealings with in my life. Hal. J. Cole was very careful in considering and analyzing every proposition that was proposed or offered for consideration in this case in order that he would not make no errors that would be to any benefit to me, J. T. Melich.

All of the errors that he has ever made in this case have been conferred as a great injury to me from start to finish in this case. John S. Metzgar testified that he had put one acre of land under cultivation on the N. E. ¼ of the N. E. ¼ of Section 31, township 38, N. Range 37 E. W. M. When he was making final proof. Right before Ley White and I, J.

T. Melich at Marcus, Stevens Co., Wash.

Sometime in the first part of the month of October 1911, Mr. Olaf Olsen, Mr. Thomas Roots and I, J. T. Melich went into the U. S. Land Office, Spokane, Wash. I, J. T. Melich asked Mr. Hal J. Cole if I could see the evidence that John S. Metzgar had in the hearing of his final proof proceedings in regard to the improvements that John S. Metzgar had made on the N. E. ¼ of the N. E. ¼ of Section 31, Township 38, N. Range 37, E. W. M. and Mr. Hal J. Cole got mad right before these two witnesses, because I had part of the hearing of John S. Metzgar final proof proceedings published in the Kettle River Journal at Orient, Ferry Co. Wash. Hal J. Cole said that I had no business to publish that and Mr. Alex A. Anderson Editor of the above paper had no business to publish that and that it must of cost me about $10.00 to get it published.

In order to get an answer to the questions that I put to him, I was compelled to tame his natural wildness of temper down by saying that some of the best of them make mistakes, and then he called over the lady typist and the lady said that John S. Metzgar had no evidence in the final proof proceeding to show that he had improvements on the N. E. ¼ of the N. E. ¼ of Sec. 31, Township 38, N. Range 37 E. W. M. Here is one lesson of the splendid truthful fact, right in the eyes of so called Honorable Commissioners of the General U. S. Land Office, Washington, D. C. that the final proof proceeding has been reframed after the hearing. Now then is this above statement and other statement proof enough that Hal J. Cole at all times was very careful in making errors that would be to any benefit in my favor in this above matter.

3: Regiser and Receiver erred in holding for cancellation any portion of Metzgar's Homestead entry. In regard to this statement I will say that you have got one law that gives the prospecter a right to stake mineral claim on a homestead

entry to make search for precious stone or mineral by working the prospect, and then you have got another law that compelled me to do $800.00 (eight hundred) or $900.00 (nine hundred) worth of assessment work on the Greenhorn Mineral claim in order to hold the same. And then you have got another law that makes no matter how much mineral I have got, that trys to make a trial test in trying to change the formation of the Greenhorn Mineral Claim from mineral to nonmineral. That tries to take all my work and mineral claims away from me by so-called law. It has been rumored all around the community that John S. Metzgar gave the commissioners $50.00 for the privilege of appealing the decision rendered in my favor by the Register and Receiver, Spokane, Wash.

What fools these mortals are. Grafters can only exist among suckers. Would it not have been lots better if John S. Metzgar gave that $50.00 to some expert U. S. Mineral Surveyer General for examining the Greenhorn Mineral Claim as to the character of it being nunmineral or mineral. He would state the facts just as they are as to the character of the mineral on the Greenhorn mineral claim and what more does he want than facts.

I, J. T. Melich demand an investigation by surveyer General instead of giving the fifty dollars to the commissioners for the purpose of trying to change the formation of the Greenhorn Mineral Claim from mineral to nunmineral and make it appear so that the apex with a compact solid of about two feet of mineral ore right between two well defined walls on the apex of the high mountain of the Greenhorn Mineral Claim will try to make the apex disappear off of the Globe of the earth so that it will be invisible to any intelligent person of intellectual capacity, of skill and knowledge.

Oh, but is it not wonderfully surprising the marvelous powers that these so-called Honorable Commissioners have

got in forming miracles, in changing the formation of the Greenhorn Mineral Claim from mineral to nunmineral to nunmineral to mineral.

Then Mr. Hal J. Cole has got the gall of addressing yours as the Honorable Commissioners of the General Land Office of Washington, D. C. I think he means that we have got to honor meanness and starve generosity. I want it distinctly understood to be very careful in considering this above matter, so as not to commit yourselves to any errors that would be to my interest or benefit or to I, J. T. Melich's favor. I want this to be distnctly understood, you are my enemies all the way through in this fight from start to finish and I do not want your favors.

BRIEF AND ARGUMENTS.

The evidence shows that Metzgar made homestead entry, which embraces in the controversy, in 1905 has since that time continued in possession, fully complying with the homestead laws in every respect.

In regard to this statement, I, J. T. Melich will say that Mr. Metzgar has testified at the hearing of the protest that there was only about four acres of land that was tillable soil that could be plowed out of every 25 acres that I have got staked out into mineral claims unless the hearing of the protest has been reframed since. If very prospecter had to quit work in this world that never had any better mineral showing than I, J. T. Melich has got on the Greenhorn Mineral claim, there would hardly be one mine in operation today, and John S. Metzgar would have to plow the four acres of land with a wooden plow right in the eyes of so-called Honorable Commissioners of the General Land Office, Washington, D. C.

It was not until July 1909 that Melich discovered the fabulous deposits of ore upon this ground, that according to his

testimony consists of a solid mass of melted mineral that has been their for one million years.

To his fabulous statement stating that I, J. T. Melich has not discovered the apex of about two feet of solid mineral right between two well defined walls looks as though it has been melted or badly burned until July 1909 is false and not in harmony with the facts that this apex on the apex on the high mountain is situated very close to the north west corner of the north west ¼ of the N. W. ¼ of Section 32, Township 38 N. Range 37 E. W. M. or about 1400 feet in an easterly direction from location stake which has been described at the hearing of the protest as being prospect hole No. 1 and thence about 250 feet in an easterly direction to the main tunnel which has been described as prospect tunnel N. 2 and thence about 1000 feet in an easterly direction to prospect tunnel No. 3 and then about 150 feet in an easterly direction to the apex which was defined at the hearing at the protest as Shaft No. 4 unless the hearing of the protest has since been reframed. All these above tunnels and the apex shaft are on the Greenhorn quartz mineral claim situated on the N. ½ of the N. W. ¼ of the N. W. ¼ of Section 32 and on the N. E. ¼ of the N. E. ¼ of Section 31, Township 38, N. Range 37 E. W. M.

Location work of the Greenhorn No. 2 quartz mineral claim is about 300 feet in a northerly direction from the main tunnel of the Greenhorn claim as testified to at the hearing of the protest unless it has all been reframed since and that is why I am not allowed to have a copy of the protest.

QUESTIONS AT THE HEARING OF THE PROTEST

Attorney Walling: Was the apex ever staked out before you staked it, or how did you come to stake it out?

Ans. John T. Melich: I can tell you all about that apex and it is necessary that it should be explained. I will explain it to you if you wish me to.

Attorney Walling: You needn't mind explaining it.

Attorney Upton: Explain what you said was necessary to be explained about the apex.

J. T. Melich: In the month of May, my partner, Mr. John DesJordin and myself staked out two claims the Gunload and the Lake Mineral claims. I, J. T. Melich left a man to work in my place with partner J. DesJordin to do the location work on these two claims and then I went to Spokane and bought 400 pounds of dynamite and had it sent to Boyds, Wash. to my partner. When they had the location work done on these two claims then my partner began to hunt for other leads of ore. While he was examining the lead of ore right where I have done the location work for the Greenhorn No. 2, Mineral Claim 300 feet north of the main tunnel of the Greenhorn claim. This was sometime in June 1908. John S. Metzgar came up to my partner and told him that he would show him better lead of ore than the one that is 300 feet north of the main tunnel of the Greenhorn Claim for a 50 pound box of dynamite. Mr. DesJordin asked Metzgar if it was on this mountain and Metzgar said yes and Mr. DesJordin said if there is anything on this mountain I will find it. Then Mr. DesJordin changed his mind in staking this above claim mentioned and started right away to hunt for this better lead of ore that Metzgar said was on this mountain.

It was not long till my partner got up on the top peak of this mountain and there it was sticking right up in the air about two feet of a mass of mineral ore right between two well defined walls. My partner Mr. DesJordin said himself that it looked as though it had been melted or badly burnt. My partner staked it out right away and then Mr. Metzgar got mad at him because he had staked it out on his homestead and they got a quarrelling over it that caused them to lose their friendship by squabbling with one another about this above

apex that was discovered in June 1908

When I got back to the mines my partner showed me this apex in July 1908 and told me all about it and how he came to find it by Metzgar telling him that he could show him a better lead of ore on this mountain for a box of dynamite. After I had examined it all over, I told my partner that he had better chop the stakes down again. I told him to take the mineral ore out of a shaft at an angle of that depth would eat up all the profit and that we better not stake it out until we found a cropings 600 or 700 feet lower with a tunnel so the mineral ore can be taken out on a level and my partner went to work and chopped the stakes down again. If this apex was ever staked out before as Mr. Metzgar claims in his appeal and this above statement are the splendid and truthful facts, why this apex has been abandoned before as Mr. Metzgar knows all about it years ago. But Mr. Metzgar has never claimed before in any of the hearing of the final proof, at his hearing of the final proof he testified that there was only two prospect holes on the Greenhorn Mineral Claim that look like boulders slightly mineralized with a little white iron, right in the yes of so-called Honorable Commissioners of General Land Office, Washington, D. C. unless the hearing of the final proof has since been reframed.

At the hearing at the protest.

Attorney Upton: Did you testify at the hearing of your final proof Sept. 6th 1911 that there was only two prospect holes on the Greenhorn Mineral Claim. Mr. Metzgar, I might have said something like that. Unless the hearing of the protest has since been reframed this is proof enough that establishes the truth by his own evidence that John S. Metzgar has been trying to make final proof in the absent of showing that the character of the land on the Greenhorn Mineral

Claim is mineral in character for no other reason only that he is speculating on the mineral of a big shoot of ore of about two feet of solid mineral ore leads from right in the apex right in the eyes of so-called Honorable Commissioners, Washington, D. C.

I, J. T. Melich testified at the hearing of the protest that there is an apex of about two feet of a solid mass of melted mineral ore right in between two well defined walls that has been there for over a million years, right in the eyes of John S. Metzgar for nearly 7 years before he made final proof. An apex of this kind that sticks right up in the air on the apex of the high mountain of the Greenhorn Mineral Claim has been proven the world over that it always comes from a big shoot of ore; that shoot of ore shoots out wings, veins, limbs, branches or stratas or whatever you may call them.

This apex runs in an easterly and westerly direction and all of the veins that crop up on the south of the apex dip north into the shoot of ore and all of the veins of ore that crop up on the north of the apex dip south into the big shot of mineral ore that the apex sprung from. A proposition of this kind has never yet in the world over been proven that it did not make a mine. After, I, J. T. Melich has discovered this apex in July 1908 it was quite difficult for me to discover one of these veins above mentioned at lower angle. I had strived by seeking, searching, examining, investigating and exploring this of the Greenhorn claim for a whole year before I found a cropping of about 200 feet on the south of the apex at an angle of about 600 or 700 feet lower than the apex and thence about 1400 feet in an westerly direction from the apex and right here is where I did the location work of the Greenhorn Mineral Claim and staked it out on July 1st, 1909. In 1910 I had done or added 5 feet of tunnel to the location work of Greenhorn Claim and done the rest of the assessment by making a road up the mountain for the year 1910.

While I was working on this road I discovered a better croping about 250 feet in an easterly direction from location stake of the Greenhorn Mineral claim and was trying to clear two acres of land on the Lake Claim for a garden. I did not go to work on this new discovery until August 16th 1911 and done the assessment work by making an incline open cut shaft or tunnel. I saw right away that all of the work for all of the claims should be done on this main tunnel No. 2 of the Greenhorn Claim, but did not at that time join my other claims without staking another claim between that which would join the Lake Claim on the south and join the Greenhorn on the north, so I staked out the Greenhorn No. 2 quartz Mineral claim and did the location work right where my partner John DesJordin was about on the verge of doing the location work for a claim he intended to stake out 300 feet north of the main tunnel of the Greenhorn Claim, but John S. Metzgar changed his mind by telling him that he could show him a better lead of mineral ore on this mountain for a box of 50 pounds of dynamite. DesJordin told him anything on this mountain I will find, and he found it right away in June, 1908. I, J. T. Melich staked the Greenhorn No. 2 claim on Sept. 1st, 1911, that had joined all of the 5 claims together, all joining one another on the north. In the year of 1912 I done 50 feet of incline tunnel work on th main tunnel of the Greenhorn Mineral Claim. That 50 feet of work on the main tunnel holds good by law for all of the assessment work for the five claims for the year ending 1912, known as the Greenhorn Group of Mineral Claims.

I want to go back to the main question involved at the hearing of the protest. I, J. T. Melich testified that there is about two feet of a mass of melted mineral ore right in between two well defined walls on the apex of the high mountain of the Greenhorn Mineral Claim that has been there for over a million years

For the authority of this testimony I will take Sir George Darwin who has discussed the age of the earth from a purely astronomical point of view from his theory of the earth from and moon system he derived an estimate of more than 56 million years which for a long time stood rather alone between groups of higher and lower figures. Scores of other astronomers estimated the age of the strata of stone The carboniferous formation system which has veins of carbon in between stone consisting of beds of clay, coal-seams between these layers of iron and slate. These layers with veins of carbon in between is the upper division of a bed of coal or carbon and with the slow process of the workings of nature which is the law of evolution that changes the previous formation of vegetation into charcoal, graphite or coal. That has formed the beds of carbon is claimed to be half as old as the earth or over 28 millions of years. This has been figured out by scientific astronomers by the rules of a system of universal laws of evolution that is in action in the slow gradual process of the workings of nature. In all that is in natures beauty in everything, the living, the actions and the re-actions of universal laws that have their effect in the slow process that is in action is the law of evolution and the changes that takes the place of the process is the law revolution, or in other words the incubator is the law of evolution and the birth is the law of revolution.

I will now concentrate all of my mental forces on this one point of view, considering the main argument of the above question, I can only arrive at the conclusion that all of the worlds greatest thinkers claim that this earth was partly in a melted state over a million years ago and the doctrine of science of a Granit boulder is an unstratified dead stone. There had never been any life found to exist in a granit boulder, Why? Because a granit boulder is melted sand, similar to

glass. At the time this earth was partly in a melted state and whereever it was hot enough to melt the sand, it formed a granit boulder and that was over a million years ago. A granit boulder never rolls up on top of a high mountain—they always roll down the mountain.

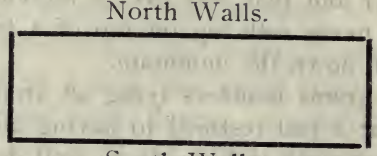
There are granit boulders lying all around on all sides of the apex that I had testified to having about two feet of solid mineral ore right in between to well defined walls that looks as though it has been melted or badly burned that has been there for over a million years. I take it as granted that about the same heat that has formed the granit boulder, meltde or burned this ore in the apex and about the same time, which is claimed by the best and well known learned men of the world. This has been over a million years ago at the time that the earth was partly in a melted state.

John S. Metzgar and his witnesses to gether with Hal J Cole and his attorney N. D. Walling, who is one of the lawyers out of the three lawyers that Hal J. Cole advised I, J. T. Melich to hire, has got this above theory based on creeds and creeds is a belief. They are going to prove it by the christian Bible that this world is not a million years old.

When the science of scientists some few years ago forced the Political grafters to make laws that would keep the teachings of the Bible creeds out of the public schools, why? For the simple reason that there is not a rule or a system of universal laws in the whole Bible from beginning to end. It is nothing more than the guess work in the whole Bible from beginning to end. It is nothing more than the guess work of men from start to finish and children cannot agree upon guess work without rules or regulations of a system of universal laws. There are no arguments, there is no knowledge of understanding that would prove anything. I can prove this to be a fact.

For example, I will draw lines right here of the space

that is filled with mineral ore in the apex of the Greenhorn Mineral Claim.



Now then how are we going to find out how wide the distance is filled with mineral ore right in between two well defined walls? Looks as though it has been melted on the apex of the Greenhorn Mineral Claim. Now then how are we going to find out how wide this above space of ore is? Are we going to find out by guess work? If so I would like to have John S. Metzgar make a guess as to how wide this space is on the apex running in an easterly and westerly direction. Now then let me tel you right here that John S. Metzgar has made a guess at the hearing of the final proof and at that hearing at the protest that there is no distance of space of mineral ore between two well defined walls, that this above space of mineral ore does not exist on the Greenhorn Mineral Claim unless the final proof and the protest has been reframed since the hearings. Now then John S. Metzgar boldly declares his above guess to be the truth and wishes every one else to believe it to be the truth without having a rule or a system of universal laws to prove his guess to be the truth and without giving any one else a chance to make a guess as to how wide the space of mineral ore is that is in between these two well defined walls on the apex of the Greenhorn Mineral Claim that looks as though the mineral has been melted about the time that the granite boulder has been formed and that was over a million years ago. This kind of a theory that Metzgar has got to prove this above theory to be the truth is just by making

a guess that the apex does not and never did exist and by wishing every one else to beleive it to be the truth becomes a creed and this is how every creed in th Bible has been invented by story teller novel writers. Only the Bible has more tales and stories than any other novel that was ever writen. This creed of Metzgar's invention means that we all must falsely beleive into something that does not exist nor never did exist. Now then we will say that John S. Metzgar and his witnesses Mr. C. C. Gay and Mr. Regan, together with Hal J. Cole and his lawyer Mr. Walling all solemnly agree to beleive into Metzgar's above creed that there is no width of mineral ore running in an easterly and westerly direction that looks as though it has been melted right in between two well defined walls on the apex of the high mountain with granit boulders lying on all sides of the Greenhorn Mineral Claim that has been there for over a million years. Just as long as they all beleive into this above creed of Metzgar's they will never be able to discover that there are rules, rgulations of a system of universal laws to go by that would give them the knowledge to know that the width of the melted ore that is in the distance between the two well defind walls is just exactly as wide as it is in the apex of the Greenhorn Mineral Claim.

Without rules, regulations of a system of universal laws we cannot prove anything and there is no knowledge without them there, no doubt, and if there is no doubt, there is no force that would force them to seek, search and investigate these creeds of Metzgar's that he so falsely declares to be the truth and wants every one else to beleive to be the truth and that is all there is to it, because he takes it as granted that the creed in the Bible tells us that this world is not a million years old, and we must all believe in the Bible for it is the only book we have got that will prove this above theory to be the truth and nothing but the truth and we must believe

it. A creed is a belief into something that is invisible to all intelligent beings that are endowed with good intellectual faculty of understanding comprehending clearly every proposition that has been proposed or offered to be considered for discussion as to its falsity not being true with conformable to facts. Some one said that a man that invented soup has done more good than all creeds that have ever been invented. Anyone can invent a creed. All he needs to do is to make a guess at something that does not exist or never did exist, that is invisible to all and then boldly testify that it is the truth, and wants everyone else to agree with him on the guess he has made by beleiving his creed to be the truth without having any rules or system of universal laws that would prove his guess to be the truth. This kind of a doctrine in trying to prove the above theory by beleiving into Bible creeds is proof enough that this world is not a million years old, and we must all beleive the Bible to be the truth. This kind of a doctrine intends to force all minds into one mold. There is not anything that is more degrading than this. It is not necessary for me to beleive into Metzgar's guess of creeds, or do as the Bible dictates so long as all minds are not forced into one mold. Knowing that Metzgar and Hal J. Cole and Lawyer N. D. Walling are interested in their own affairs more than they are in anyone else's affair and if I do not act accordingly and speak to suit, I know I am bound to make myself disagreeable to them. But nevertheless experience in the trials of life has taught me the principles that by being strictly agreeable on guess work one would not have a mind of his own or an opinion of his own. He would just simply be a machine wound up to beleive and do everything that he is told to do or dictated to him to do. Oh yes, the Bible creeds tell the world that this world is not a million years old and the world must believe it to be so. No person must form an opinion of his own that it is not so. I tell you it takes talent to go through the streams

of public opinion without getting your petticoat wet. One would have to lift them up pretty high, I can tell you, let it be the most charming stream of light that casts its rays on public opinion. Public opinion will go to prove that its merriest days are not yet gone by. Every beautiful passing stream of opinion that has dashed and penetrated the public mind has been met with that wild made music of contempt and disagreeableness. Long may we live to become Stoics to enjoy and to endure disagreeableness. I have been kicked and dragged along the beaten track by creed believers almost from one end of this country to the other end, until I am so sorry that I am hardly able to sit down. My desire to have a thing or do a thing is exclusive evidence, by creed beleivers, that I am not to have it or do it. Should I discover a rule or a system of natural laws that would prove that the creed in the Bible that Metzgar intends to introduce as evidence that a granite boulder is not a million years old is false and not conformable to facts, he would deny the fact and then curse the finder with grumbling arguments scraps of dogma. Creed inventors have always been the enemies of science by denying the rules of a system of natural laws.

In order for me to prove this to be a true fact, I will take a creed from the Bible that will prove the fact that Mr. Jesus Christ, the Father, Son and Holy Ghost. These are three different distinct persons making one distinct person, or in other words three times one makes one. If that is not a joke I do not know what a joke is.

There is not hardly anything but that can be proven by the Bible through the power of beleif. Chattel slavery was proven by the Bible to be just. Wage slavery today is proven by the Bible to be right and just. These are all jokes and all we need to do in order to prove it to be so is to believe it to be the truth and then it will be so. And just so long as the people of the world give all of their

time and and attention in believing jokey creeds, just as long they will never know anything about rules and regulations of a system of universal laws that would teach them the real things in life. If we obey the universal laws we will then drift out of this worldly hell into a worldly heaven. The joys and pleasures that are in real life is what makes life worth living. In other words, anything that you will not give your time and attenion to you will never know anything about, that you have not given your time and attention to.

First: I will endeavor to prove the fact by rules of natural laws that Mr. Jesus Christ was a fake and a joker. We can only discover the natural laws by going from cause to effect. Every time we trace a cause to the effect we discover a natural law. It is a natural law that something lighter than air will be the cause that will have its effect in suspending itself in the air.

It is a natural law that something lighter than water will be the cause that will have its effect in suspending itself on the top of water. It is a natural law that something like a hair heavier than the surface of the water will be the cause that will have its effect in floating just underneath the surface of the water.

Why? Because it is governed by two causes that will have their effect. One cause is, that the water above the article being somewhat like a hair, lighter than the water holds the article from coming upon the surface of the water. The other cause is that the water under the article being heavier than the article is the cause that will have its effect in holding the article from going down. And there it is, floating under the surface of the water while it is suspended in a position so as the article cannot either go up or go down.

It is a natural law that something heavier than all kinds of water will be the cause that will have its effect in sinking

in the water. All these above causes are governed by natural laws and they cannot be changed by no living being. The natural laws treat every cause with perfect justice, natural laws punish all who violate them and reward all who obey them. The laws read equal rights to all and special privilege to none.

Mr. Jesus Christ being heavier than water denies these natural laws by saying that the law gives him the privilege to walk on the top of the surface of the water. But denies anyone else the privilege to walk on top of the water. If that is not a joke, I do not know what a joke or a joker is.

Therefore we must all realize the fact that anyone reading anything out of the Bible does not make it so. Just because they read it in the Bible and think it is so. I have proved it all to be a damm lie. That is more than most all others are doing with everything they read in the Bible. They come right out and tell us that it is so. And want us all to believe it is so in order that it may become a settled fact. I say it is all a damm lie. Unless it was dry water that Jesus walked on. But who knows whether the water was dry or wet? The Bible does not say.

Jesus walked on top of water.
All natural laws were reversed.
I don't think he them altered,
But waited for a cold day first.
As the Bible does not say whether the water was wet or dry,
It must have been dry that day
Else he never would have tried.
Maybe he had no dough,
So the cheapest way he shouted.
Maybe there are those who know.
No wonder Jesus walked.

It is said by every creed believer of the Bible that they have solemnly agreed never to out grow the creed that they

have all pledged themselves to believe that Mr. Jesus Christ walked on top of water or that a granite boulder is not a million years old. Upon these conditions the creed inventors agrees to save his soul and they turn over their brain to bind the bargain. Are we going to get to the fact of this above theory by judging a man's character by the number of such stories he believes in? Are we going to get to facts by creeds or by deeds? That is the question. Are we to reason or are we to simply believe the creeds that Mr. Jesus Christ walked on top of the water or that the apex does not exist or never did exist. One who believes and does not think that the apex exists is a songless bird in a cage, one who is a free-thinker and thinks that the apex does exist is an eagle parting the clouds with tireless wings. Here is one that does not think that nature would give wings to a bird and then damn the bird for flying. Here is one that does not think that nature would give brains to a man and then damn the man for thinking that Jesus Christ did not walk on top of the water, or for thinking that the apex of about two feet of melted mineral ore right in between two well defined walls with granite boulder rock lying on all sides of the apex of the Greenhorn mineral claim that the mineral in the apex has been melted about the same time that the granite boulder rocks were formed and that was over a million years ago.

I may have a clearer vision in seeing that this theory cannot be best proven by creeds, therefore I do not blame you for not seeing that this theory cannot be proven by creed through the power of belief. Therefore it is my duty to help others to see that Metzgar has perjured himself by trying to make final proof in the absent of showing the apex on the apex of the high mountain of the Greenhorn Mineral Claim, right in the eyes of so-called Honorable Commissioners of the General Land Office, Washington, D. C.

In order to make this more clearer to show that this the-

ory cannot be proven through the power of beleiving that the apex of about two feet of melted mineral ore right in between two well defined walls does not exist and never did exist in the last million years on the Greenhorn Mineral Claim.

John S. Metzgar does not argue his inventions of creeds that he intends to prove the theory to this world is not a million years old from a logical conclusion of the principles of rules of a system of universal law of evolution and revolution. He does not even give someone else the right to form a theory of their own whether this apex of about two feet of mineral ore in between two well defined walls exist or not. But we must all believe his creed that it does not exist.

This very same kind of action that is carried on in this world today, is precisely the cause why there is so many people in this world today that get sick, and don't know why their feature form of their deceased life is tortured with the extreme inflamable pain of punishment that comes to their mental minds and physical bodies. It is because they are continuously affirming their belief in the negative. Or in other words, they are spontaneously dueling with the knowledge. Instead of detaining the knowledge through an investigation in my case, and in all other cases; which would affirm the state of existence in everything that is manifested in the situation of my cases and all other cases, just as they really are manifested, instead of affirming their belief that the mineral lead of ore in the apex did not exist; which is an infernal lie that they intend to prove through the power of belief. There is too much of this kind of action going on in all of the churches in this whole world. And that is why all of the people in this world that do get sick are punished with the torments of sickness, which brings them nothing but the torments of an exceedinly unhappy, miserable feature form of life; and it all comes from the direct results of the punishment that comes from the reaction of their acts in violating the natural laws,

and by not detaining the knowledge of knowing how to be in harmony with the laws of the Universe that they are so spontaneously dueling against the knowledge and then they wonder why they are sick. And just so long as one's one self will not detain the knowledge of knowing just how to function in everything that is manifested in one's ownself feature form of life just so long they will never get well so that they will understand the real enjoyment of what it means to live the real, healthy feature form of life.

The enjoyment of real health lies in knowing how to detain the knowledge that will enable anyone's self to function in everything that is manifested first of all in one's ownself feature form of life. Anyone that can do this without depending on other to do it for you will detain the knowledge that will enable you to affirm the state of the existence of anything, just as they are manifesting themselves in all of the different feature forms of all life just as they are manifested and everything that they function in. Anyone that can do this will never get sick. Why? Because, all of the real health lies in the intelligence of knowing how to take care of one's ownself, first of all it is to know what your mental mind is to be fed with, what you should desire it to be fed with. For the purpose that the mental mind will become endowed with the perfect qualities of a personal feature form of faculties that lie within the original powers of the mental mind that should be composed of a perfect feature form of intelligence that any one's ownself should desire to be endowed with; for the purpose of any oneself to know how they should desire to take care of their whole desired principle life, and that the intelligence of anyone's ownself personal mental mind should know at all times what should be desired to be fed to the personal appetites of the stomach, and how it is principally digested in the cavities through the digestive organs, from the throat orifices and then down through the orifices of the stomach.

And with the proper exercise any one's self can enjoy the best of health. Physical exercise will give any one's self physical strength. So exercise the mental faculties of the mental mind and it will give you mental strength and intelligence, otherwise any one's self will not have the intelligence to know how to function in everything that is manifested in the situation of one's self physical body. The mental mind should be composed of this intelligence in order to keep the mental mind in a healthy state of condition. For the purpose that the mental forces of the mind may at all times have the power to function over everything that is manifested in the situation in all of the forces that is composed of all of the various appetites; such as—the habits, passions and customs that are manifested in the emotional forces that is in the physical body should not be allowed to have dominion over the body or they will overpower and control everything that is manifested in the state of the existing forces that are situated in the mental mind. Otherwise the forces that are situated in the physical body will rule over the forces that are situated in the mental mind. Why? Because, whichever one of the two becomes the strongest will rule over the weaker one of the two and then the direct result of the proposition of the two will be that the one that becomes the strongest will propagate and possess the weaker one and that which propagates and possesses has got to be fed, and that which does not propagate and possess is always fed into that which does propagate and possess until the whole unite is consumed. It is a law of nature that is in action in all things of every feature form of life. Slow but sure brings everything that is the effect of all causes are doomed to come to a means to an end. So all depends upon the intelligence of the mental forces whether the mental forces are to rule over the emotional forces of the physical body or whether the emotional forces are to rule over the forces of the mind. Of course the emotional forces will continue to rule as long as people are

spontaneously dueling with the thought of a doubt and which would do away with the affirming of the belief that it is to be so and that settles it that it is so. A belief in the absence of a thought of a shadow of a doubt in that which they have no knowledge of, or in other words if any one affirming their belief are not allowed to have the thought of a shadow of a doubt which would be the absence of affirming their belief of that which they have no knowledge of. And therefore their minds become a blank because they are not allowed to have the shadow of a doubt in affirming their belief that the mineral lead in the apex does not exist. And just as long as they will affirm their belief with the absence of a thought of a doubt that it does not exist. Just so long they will never discover the real knowledge that it does exist. And therefore they are spontaneously dueling with the real knowledge of those cases of mine. For knowledge cannot be detained that way, just by believing that it is so, without any investigation.

In order for anyone to obtain intelligence first of all you must recognize the thought of a doubt which does away with words affirming your beliefs.

That word believe does not exist in the higher species of the wild animals. It only exists in the lower feature forms of the fakers and grafters. The word never was invented until it became very useful to the human fakers and grafters that came into the world for the purpose of catching suckers that would venture to affirm their beliefs without the thought of a doubt to bite at their confidence game. It is that little word believe that has made the state of existence of all the ignorance that exists in this world today. It has all come through this little word believe, that intelligence never did, and never will have any use for, and wherever there is a speck of intelligence the word believe does not exist and anyone that has intelligence can talk from morning until night without using

that word believe.

All intelligence consists of three points: First, is Recognition. Second is Realization. And third is to Retain the Knowledge.

First is to recognize the thought of doubt, and which is the absence of affirming the belief of that which anyone has no knowledge of. Second is to realize that there is a cause back of that doubt that is governed by a natural law that is bound to have its effect in forcing anyone to seek, search, and investigate that which anyone has no knowledge of. Third is to retain the knowledge, and which is the absence of a shadow of affirming the belief of that which any one has a knowledge of. It is only through investigation that anyone is enabled to obtain the knowledge. Then, and then only, can they affirm the state of existence of anything just as they are existing without a shadow of affirming anyone belief.

If the Commissioners had investigated the positive side of my cases they would have retained the knowledge that would have enabled them to affirm the state of existence of anything that is manifested in the situation of my cases just as they are manifested in my cases. Instead of trying to prove their dirty lie through the power of affirming their belief that the mineral lead in the apex does not exist on the Greenhorn claim.

This is precisely what caused me all of this trouble and it may be that I will never get paid for it unless they make it good for all of the time, labor and money, that did cause me to put in writing this book. Otherwise, I never would have written this book. That is, if the commissioners had retained the knowledge, that they were so spontaneously fighting from start to finish.

In order to maintain a clearer vision of this theory I will draw some lines right here of the width of the mineral ore that

is in between two well defined walls on the Greenhorn Mineral Claim called the apex, running in an easterly and westerly direction.

North

West

Now, I, J. T. Melich have made a guess that the width of this space of mineral ore between these two well defined walls of this diagram demonstrating the apex of the Green Horn Mineral claim is about 2 feet wide.

East

South

But I do not boldly and openly declare my guess to be the truth and I do not want anyone else to beleive it to be the truth. I am showing this above diagram for the purpose to preserve the right that I give to everyone else to use their own mind, use their judgement in forming ideas and opinions or theorys of their own as to how wide the lead of mineral ore is in between these two well defined walls of the apex. This becomes a theory. Instead of trying to prove this theory by the power of believing into Metzgar's creed that he so boldly and openly declares to be the truth and wants everyone else to beleive it to be th truth that the apex does not exist and never did exist for the last million years.

Has John S. Metzgar ever at any time give his witnesses the right to form ideas and opinions of their own as to how wide the lead of ore is in between these two well defined walls on the apex of the Greenhorn Mineral Claim? No, no. He told them that the apex did not exist on the Greenhorn Mineral Claim and they must beleive it to be the truth and of course just as long as they all believe it, they will never be possessed of the knowledge of knowing that the apex does exist on the Greenhorn Mineral Claim. I will not be like John S. Metzgar. I have given my witnesses the right to shape

or form ideas, opinions or theories of their own as to how wide the lead of mineral ore is in between those well defined walls of the apex. Mr. Ley White makes a guess that the lead is about two feet, four inches wide. Mr. Thomas Root makes a guess that the lead of ore is about two feet, five inches wide. I, J. T. Melich make a guess that the lead of ore in the apex is about two feet wide.

We all disagree as to the width of the lead of mineral ore that is in between these two well defined walls of the apex of the Greenhorn claim in question. Why, because this is the only way you can get three or more sides to any one question and this is precisely how so many different denominations of creeds has sprung up by not agreeing on the creeds in the Bible. Each one taking a different guess on the guess work of the Bible and then each one boldly declaring their guess to be the truth and wish everyone else to believe the invention of their creeds to be the truth without having a rule or system of univrsal laws to prove their creeds to be the truth. This is precisely why we have so many different denominations of creeds in this world today.

By me disagreeing with my witnesses as to the width of the extent distance of space of ore between the two walls of the apex, by disagreeing with one another on our guesses of thories as to the width of the above space between the two walls that we have formed our theory on, there are causes that are governed by natural laws, that are bound to have their effect in forcing us to argue on this point that will lead to a discussion of a debate that will show us reasons as to which one has the best opinion of their guesses that this theory was formed by making a guess as to how wide the lead of ore is in between the two walls of the apex. By arguing on, this theory is the cause that will have its effect in broadening and deepening our intellectual capacity of more mental power of skill and knowledge of understanding that we can not all be

right in our guess as to the width of mineral ore that is in between the two well defined walls of the apex of the Greenhorn mineral claim. Therefore, we all three of us doubt one another as to which one of the three of us is right in their guess as to width of the lead of mineral ore. By doubting one another on this theory there is a cause back of this doubt that is governed by a universal law that is bound to have its effect in forcing us all to seek, search and investigate by making a careful examination as to the width of the lead of mineral ore that is in between the two walls of the apex. After we have made the examination we all have arrived at the conclusion that the only way for us all to come to one agreement and all of us three to be of the one opinion that width of the lead of mineral ore between the two walls is just exactly as wide as it is, and there is no two sides about this question, in order to prove this fact we are all of the one opinion that we should get a rule and measure the width of the lead of mineral ore from wall to wall at a certain point along the lines of the walls. After measuring it we all come to the one agreement and all are of the one opinion that the width of the lead of mineral ore from these two certain points along the line from wall to wall is just exactly two feet and eight inches wide. But the width of the lead of mineral ore varies in the distance of every different point along the line running in easterly and westerly direction and also varies at every distance of a different point of the angels of depth.

Everyone that is possessed of the knowledge of knowing how to go by this rule will agree with us that the width of the lead of mineral ore in the apex of the Greenhorn claim at everypoint between the two walls is exactly as wide as the rule tells us. We all become of the one agreement on that and we all become of the one opinion on this question. This is proof enough that there is no two sides about this question.

There is no two sides about any question. Everything

in this universe is just exactly what it is. Light is light. Darkness is darkness. The musicians are all of the one opinion as to which is the high note and as to which is the low note. The mechanics are all of the one opinion only as far as they are possessed of skillful knowledge on the square. The little children in school are all of the one opinion that ten times ten makes 100. The mechanics are the best and well learned men of this world. Why? Because they become in contact with more orderly rules, regulations of a system of universal laws than any other class of people. Consequently they have obtained more real knowledge of this world. Without orderly rules and regulations of a system of natural laws to prove this and that by, we cannot prove anything and there is no real knowledge of understanding without them. Without them we all do not come to one agreement on any one question. Without them we will never all come to be of the one opinion on any one question.

These orderly rules and regulations of a system of natural laws that punish all who violate them and reward all who obey them has so far been discovered and established by some of the greatest men the world has ever seen. Thy are the best we have got to go by. Sure we ought to go by the best we have got, as long as we haven't got something better to go by.

I know that we have laws in natures library that are as thin as tissue paper piled and heaped up mountains high and the one above is always a better and a higher one than the one below, but as long as they are not yet discovered and established it is a thousand times better to go by what we have already established and agreed to go by until we discover a newer and better one, and then it is time enough to disagree on any one's opinions until the law is established. It is the only thing that we have got to prove this and that by rules and natural laws.

Sure it would be lots better to prove the theory by an orderly rule and regulations of universal laws that this earth is over 56 million years old, then it would be to prove by the creed in the Bible through the power of belief that an unstratified dead granite boulder rock which is nothing more than melted sand similar to glass is not a million years old, and we must all believe it instead of disagreeing on theories only when we have not yet discovered the rules by which it can be proven, it remains to be a theory and not a creed to be believed in without rules for an endless perpetual everlasting eternity.

APPEAL

It does not appear that Melich has had any experience in mining other than a prospector for a few years and his evidence as to the character of the land in controversy should be given little weight.

This above guess is one of Metzgar's creeds.

He intends to prove to be so truthful through the power of belief.

Let me tell you right here something about this creed. Did you ever consider at any time that there is some men that can learn more in one years' experience in mining by adopting orderly rules and regulations of natural laws to learn from, than John S. Metzgar could learn in a thousand years by guess work that he so boldly declares to be the truth and we must all believe it to be so. That is exactly how creeds are invented.

What if I did only have seven or eight years of experience in mining other than as a prospector. I, J. T. Melich will challenge the whole bunch of five in a debate on mineralology, Mr. Metzgar and his two witnesses, together with Hal J. Cole and Lawyer Walling. This is the lawyer Hal J. Cole advised me to hire. As a matter of fact, we will assume that

I did not have any experience in mining or prospecting, would that change the formation of the Greenhorn Mineral Claim from mineral to non-mineral? The character of the mineral on the Greenhorn mineral claim is just exactly what it is, in character of mineral, and no creed inventor is going to change the formation of the land very easy, through the power of belief from mineral to non-mineral on the Greenhorn Mineral Claim.

Taken from the appeal—He offers in evidence two assays, protestant exhibits "f" and "G", one of which shows a value of $4.65 per ton and one of $2.90 per ton, but there is no competent testimony to show that there is any vein or ledge of ore or that ore carrying the above values could be mined and worked at a profit.

There is no better place than right here and no better time than right now and among other things, for me to give a full detail acocunt of the above grumbling arguments and scraps of dogma. The mines that have the lowest grade of ore today are the most valuable mines in this world today. The snowstorm mine, when it was a prospect, shares sold at from 2 cents a share to ten cents a share, after the ore was put on the market. the valuation of shares went up as high as $3.35 a share and they were shipping the lowest grade ore than any other mine in the whole Couer d'Alene mineral district, state of Idaho. There is the Treadville mine in Alaska, Treadville, Allaska. All the valuious they have got at the Treadville mine is $1.00 ore and it is considered one of the most valuable mines in the world today and it had been known to run at 75 cent ore. Everyone knows that the light power and labor expense in running the mine in Alaska is higher than any other mine elsewhere. I would sooner have a thous and million tons of ore at the value of one dollar in my mine than I would only to have a hundred tons of ore at the value of one hundred dollars a ton in my mine. It is the quanities

in a large bulk of low values of ore and not the high values of high-grade ore of no quanities or of no bulk that makes the most valuable mines today.

I wanted to testify at the hearing of the protest about one of the prospectors out of the three that located the Comstock mine at Comstock, State of Nevada, but Hal J. Cole overruled it and would not let me tell that the Comstock mine was a worthless mine at the time it was aprospect and how it became one of the most valuable mines in the world right in a short time afterwards, but Hal J. Cole did not allow me to tell it. I could see right away at a glance that I was compelled to speak to sooth or else I would not be allowed to secure a hearing in the case at all. Mr. Cole called me to order by saying that I was not speaking on the question. I asked what the question was and Attorney Upton answered by saying the question is "What is it that makes a mine worthless or valuable". In order to secure a hearing in the case I did not hardly know how to speak that would sooth Mr. Cole. I said that there are great numbers of scientific mechanic men that are studing the science of the process and methods of treating ore at a less cost leaving their old forms of ideas in the process and methods of treating ore for newer and better ones in the process and methods of treating ore at a less cost, and time yet will bring such a change in the near future in the process and methods of treating ore at a less cost that almost any kind of one dollar ore can be worked at a big profit, unless the hearing of the protest has since been reframed, I am not allowed to have a copy.

In the year 1908 there was an old prospector passed the years of 80, stopped at my place in Montana. I did not learn his name. As a rule all prospectors are acquainted without knowing one an others names, he told me that he had prospected all his life. I asked him did you ever make anything

at prospecting. He said no and then began to laugh to show ing ridicule. He said I am one of the three prospectors that located the Comstock Mine in the state of Nevada. Why I said that was a rich mine was it not? He said yes the ore went ninety dollars a ton and began to laugh again. I said "how is it that you did not make anything?" He said "we shipped a carload of ore and the whole carload went ninety dollars a ton" and then began to laugh with joy after he got through laughing, he said "after we got our returns from the carload of ore, we owed the railroad company thirty dollars freight rates" and then began to laugh again and said that it cost him more than ninety dollars a ton to ship and treat the ore. He said he did not have ten dollars left to pay his part of the freight rates and then got discouraged and dissatisfied with the proposition of getting the ore on the market and told his partners if they could make up fifty dollars he would sign his one-third interest to them and they paid him the fifty dollars and he left them.

He said shortly after he had sold his one-third interest to his partners, the railroad built a road right to the mine and the mine became one of the most valuable mines in the world. Is this not proof enough that a prospector with a large quantity of a bulk of ore that may be worthless today, right in the near future may become one of the most valuable mines in the world.

This is what Hal J. Cole overruled and did not allow me to give in as evidence. When it was right on the point of the question that Attorney Upton put to me. Some day I will have this piece above published to see if there is anyone in this whole world that will contradict the above assertion. If so I would like to hear from him.

John S. Metzgar's testimony in his above appeal, testifying that there is no vein of mineral ore that measures two feet and eight inches wide right in between two well defined

walls known as shaft No. 4 or apex on the apex of the high mountain of the Greenhorn Mineral Claim, and we must all believe that it does not exist and never did exist for the last million years for he boldly and openly declares it to be the truth and it must be made a settled fact through the power of belief that No. 4 shaft known as the apex does not exist on the Greenhorn Claim.

This is perjury by his, for swearing wilfully in making a false oath when his evidence was administered by lawful authority at the hearing of the protest and right in the eyes of so-called Honorable professionable gentlemen of the General Land Office of Washington, D. C. His witness, Mr. Hans Fleckl testified at the hearing of the final proof that there was four prospect holes on the Greenhorn Mineral Claim and also that there was two well defined walls with about two feet of ore in between the two walls, a little bit south of the apex of the high mountain of the Greenhorn Claim.

Mr. James Regan testified to the same thing, unless the hearing of the final proof has since been reframed. At the hearing of the protest, my witnesses, Mr. Ley White and Mr. Thomas Root, testified that there were four prospect holes and defined or described them as follows from the place of beginning open cut and tunnel being the discovery stake No. 1, thence about 250 feet in an easterly direction to main tunnel No. 2; thence about 1000 feet in an easterly direction to the tunnel No. 3; thence about 150 feet in an easterly direction to shaft No. 4, known as the apex. There has been four samples of ore taken from No. 2—three samples of ore from No. 3—three samples of ore from the lead of ore right in between two well defined wals that measures two feet 8 inches wide, known as shaft No. 4 of the apex of the high mountain of Greenhorn Mineral Claim. These ten samples of mineral ore were introduced as evidence at the hearing of the protest, June 6th, 1912 unless the hearing of the protest has since been reframed.

While I was in Spokane, Wash., in the month of June, 1912 and when I came back in July and started to work again in the main tunnel and not paying any attention to anything else but my work, until it occured one fine splendid day in September 1912, Olaf Olsen came to visit me and asked me to take him up on the mountain, he said he heard that the views of the far off scenery were intensely interesting from the high peaks of the mountain. When we got up there I showed him the vein of over two feet of mineral ore between two wel ldefined wals known as shaft No. 4 or apex. I drawed his attention right away that someone had drilled a hole two feet north of the north wall and had put in a load of dynamite and discharged the load, filling the shaft hole No. 4 of the apex with wall rock. This was done because the north wall stood right up in the air. This was done because the walls showed up too plain right in open sight of anyone passing at distance could see the staff of the walls to plain. This was done when I was away, unless it was done some night.

Ley White has also noticed that about two feet of the north wall of shaft No. 4 of the apex was blowed out into the shaft, filling it with wall rock.

I have been seeking, searching and investigating the character of the land on the N. ½ of the N. W. ¼ of the N. W. ¼ of Sec. 32, N. E. ¼ of the N. E. ¼ of Sec. 31, Township 38 N. Range 37 E. W. M. ever since July 1908 as to the character of the land being mineral in character. All the while I was working, going through the torture of thirst and the pangs of hunger and after finding mineral on the above land and just because the values on the surface do not value over $4.65 a ton, is that any reason why John S. Metzgar and his lawyer, Walling, the lawyer that Hal J. Cole advised me to hire should curse the finder of mineral with grumbling arguments and scraps of dogma?

(Taken from the Appeal.)

Protestant called as one of his witnesses, Ley White, who identified some samples of alleged ore taken from the property, but the samples were not introduced in evidence. He says he has had experience in mining but not much in examining mineral, and could not say whether the samples contained mineral.

Question by Attorney Upton: Is the land on the Greenhorn Claim the character of mineral?

Answer by Ley White: Yes it is the character of mineral.

Question: Are you a miner?

Answer: Yes sir I am.

Question: Did you examine the Greenhorn Claim?

Answer: Yes sir I did. Here is a sample of ore that was in place that I had taken from the main tunnel No. 2, which is situated about 250 feet in an easterly direction from tunnel No. 1 known as the discovery stake. Here is another sample of mineral ore that was in pace when I had taken from tunnel No. 3, situated about 1000 feet in an easterly direction from the main tunnel No. 2. Here is another sample of mineral ore that was in place when I had taken it from the shaft No. 4, known as the apex, which has a lead of mineral ore of about 2 feet wide, situated about 150 feet in an easterly direction from tunnel No. 3 and all of those workings are on the Greenhorn Mineral Claim.

Question by Attorney Walling: Can you tell us the values of mineral that these samples of mineral ores contains?

Answer by Ley White: No, I cannot. No one can tell the values of mineral in those samples of ore without making an assay of them. I know that they are the character of mineral.

Question by Attorney Upton: State how much land can be plowed out of all of the land that Melich has got staked out into his Greenhorn mining claim.

Answer by Ley White: I should judge about four or five acres is about all that could be plowed of the land that Metzgar claims that Melich has got staked out into his Greenhorn Mineral Claim.

This above testimony in the appeal is a falsehood of a creed. That John S. Metzgar intends to prove through the power of belief by boldly declaring that my witness, Mr. Ley White, did not introduce nó samples of mineral ore as evidence at the hearing at the protest.

(Taken from the Appeal.)

Another witness, Thomas Roots, testified that he was a homesteader, that he had in his pocket two samples of mineral that came from the mining claims, but the samples were not introduced in evidence.

He says on cross-examination that he never worked in a mine and never owned any mining property, hence his testimony cannot be received as of value whatever.

There is nothing that indicates habits better han to have a clear understanding of every word of the above false testimony made up or invented by Metzgar's lawyer, Walling, and with the help or aid of Hal J. Cole, Register and Receiver of U. S. Land Office of Spokane, Wash., stating that my witness, Mr. Thomas Roots, only had in his pocket two samples of mineral ore, when it was three samples of mineral ore that Mr. Thomas Roots had in his pocket. That he had introduced in evidence at the hearing at the protest. Often the whole beau- of a sentence or a story is lost on account of the misunderstanding of one single word.

Of the false testimony that is given in the appeal, stating that my witness, Mr. Thomas Roots, did not introduce no samples of mineral ore at the hearing of the protest, one sample of mineral ore that was in place when taken out of main tunnel No. 2; one sample of mineral ore that was in place when taken from tunnel No. 3 and one sample that was in place when taken out from shaft No. 4, known as the apex of the Greenhorn Mineral Claim.

These above three samples of mineral ore was introduced in evidence at the hearing of the protest by my witness, Mr. Thomas Roots. Mr. Hal J. Cole and his lawyer, Mr. Walling, that he had advised me to hire, stating that my witness, Mr. Thomas Roots did not introduce the above samples of mineral ore above mentioned at the hearing of the protest, only gives evidence that the whole entire proceedings of the hearing of the protest has since been reframed, right in the eyes of the so-called Honorable Commissioners of the General U. S. Land Office of Washington, D. C.

Question by Attorney Upton: State how much land Metzgar claims that Melich has got staked out on his mining claims.

Answer by Thomas Roots: I should judge about 25 acres.

Question by Upton: How much land of the 25 acres can be plowed?

Answer by Thomas Roots: I should judge about 4 or 5 acres is about all that could be plowed out of the 25 acres that Metzgar claims that Melich has got staked out in his Greenhorn Mining Mineral Claims.

Question by Upton: State the character of the land on the Greenhorn Mineral Claim. Is it the character of mineral or not?

Answer by Thomas Roots: Well anyone can see that it is heavily weighted with mineral, therefore I should judge that the land on the Greenhorn Mineral Claim is mineral in character.

Question by Upton: Did you examine any of the working on the Greenhorn mineral claim?

Answer by Roots: I examined the working on the Greenhorn claim and to the best of my knowledge there is about $150.00 worth of work done on the tunnel No. 1, which is the location stake. Thence about 250 feet in an easterly direction from tunnel No. 1 to tunnel No. 2, known as the main tunnel, there is about one hundred dollars worth of work done on the open cut and about 30 feet of tunnel work done running in a northerly direction to end tunnel No. 2 and thence about a little over 1000 feet in an easterly direction to tunnel No. 3, there is, I should judge, about one hundred dollars worth of work done and thence about 150 feet in an easterly direction to shaft No. 4, there is not much work done, known as the apex. There is a lead of mineral I should judge, that would measure over two feet wide right in between two well defined walls.

Question by Upton: What part of Metzgar's land is this apex on that has a lead of mineral ore that measures over two feet wide in between two well defined walls.

Answer by Thomas Roots: It is very close to the N. W. corner of the N. W. ¼ of Section 32.

Question by Upton: Is there another prospect hole about 300 feet in a northerly direction from main tunnel No. 2?

Answer by Thomas Roots: Yes, there is the location work of the Greenhorn No. 2 mineral claim.

Question by Upton: Is this location work on the Greenhorn No. 2 claim on Metzgar's land?

Answer by Roots: I cannot tell. It looks as though it is very close on Metzgar land on the N. W. corner of the N. E. ¼ of the N. E. ¼ of Section 31.

Question by Upton: Did you bring any samples of mineral ore with you from any of the working on the Greenhorn Claim.

Answer by Thomas Root: Yes, I have got three samples of mineral ore in my pocket. Here is one sample of mineral ore that was in place when I took it out of the main tunnel, No. 2. Here is another sample of mineral ore that was in place when I took it out of tunnel No. 3 and here is another sample of mineral ore that was in place when I took it from the lead of ore that is in the shaft No. 4, known as the apex, all of these workings are on the Greenhorn mineral claim.

Question by Upton: Do you know the mineral values of these three samples of mineral ore?

Answer by Roots: No, I do not. I know that they are the character of mineral.

Mr. Hal J. Cole cannot deny this above testimony of Mr. Roots that he so boldly declares and making it known by illegal words that are stated in the appeal, that the records do not show that my witness, Mr. Thomas Roots, had introduced samples of mineral ore as evidence at the hearing of the protest.

I received a letter from the Department of the Interior, U. S. Land Office, Washington, D. C., dated January 10th, 1913, stating that the samples of ore shown by your witnesses, at the hearing are not with the records, the local officers will be asked to forward same, if in their office.

But the records of the hearing does not show that any of them were formally introduced in evidence. However, you may obtain a photographic copy from this office upon payment of $5.80 for the reframed copy of the hearing of the protest. That I had paid for once before, right at the hearing.

(Taken from the appeal, page 5)

The Homestead entryman John S. Metzgar testified that he has resided on his homestead for eight years, which established the fact that he has been a resident on the land for over four years before Melich made his alleged mineral location.

When we summon up all of th e above testimony mentioned in the appeal we can only arrive at the conclusion that there never was a case on record before, that would show such alleged resident that John S. Metzgar had established on this land of his or yours. The barn that he has got, the surrounding neighbors put up all the logs in it on Sunday without a ny pay and he is a Sunday School teacher, mind you. At the hearing at the final proof proceeding with a solemn appeal to God he swears th at he had $3000.00 worth of improvements on his land. He also swore that he had put one acre under cultivation on the N. E. ¼ of the N. E. ½ of Sec. 31. when it was Thomas Roots that was the one who put this one acre under cultivation and never got paid for it.

While Metzgar was siting in the witness chair, his two witnesses broke into the land office. Mr. James Regan and Hans Fleckl and commissioner Kirk handed them both a document to read, without ever taking the witness chair. Mr. Regan and Fleckl signed the document that they had read and that was all there was to the hearing of the final proof on September 6th, 1911. Whoever heard of such a final proof proceeding before in all the cases that are on record in the U. S. Land Office of Washington, D. r.

This was all done in the eyes of the so-called Honorable

Commissioner of the U. S. Land Office of Washington, D. C.

I do not make the following statements that I have stated below from a vision of an illusion but from a logical standpoint, as to how Mr. Metzgar has established his alleged House or Resident on this land of his, which is stated in the principle given here below and signed by James Alexander who is a joining neighbor of Metzgar.

About eleven years ago a man by the name of Doyle filed on a homestead, I, James Alexander, hewed out a set of house logs, put up some on land S. W. ¼ of the N. W. ¼ of Section 32, Township 38 N. Range 37. I, James Alexander, held claim on the house logs for a small bill Doyle owed me. A man by the name of Metzgar contested the same land and moved the logs on another forty and without a compensation, and put up the house he lives in today. He fell heir or by self appropriation has a house.

(Signed) JAMES ALEXANDER.

It is not true that these above testimonials are a few of Metzgar's methods of getting a hold of everything that he has got, if there is any way of getting away from paying. He is now speculating to get full control of the big shoot of ore that is under the mountain, that the lead of ore that measures over two feet wide in the shaft No. 4 has sprung from and knew all about the lead of ore long before I did. Any reasonable minded person would know without a doubt that he would not give all the false testimony that is stated in the appeal, for these four acres of tillable land that he so solemnly made an appeal to God by swearing that was all he could plow out of every 25 acres that I had staked out on my mining claim. When the rest of the land shows that it is all mountains of stone, timber, marble and minerals. Everytime I go to town a walking, I see John S. Metzgar talking to some one and in

my t ravels all around in and out about the town, his dope about their big shoot of ore at last has made me wise.

He says this fight is not in vain, I have a whole shoot of ore to gain. I must prepare too final fight. To conquer and take the whole sweet cake of ore. To fight it right, I will use power. For might is right.

(Taken from the appeal.)

Metzgar shows that he has had much experience in mining, and relating to his experience as a miner his knowledge of the alleged mining claims of protestant, which he swears he had examined, and the character of the rock taken from there as compared with the ore of the Napoleon mine, he testified page 22 and 23 of the record as follows:

Sure it is without doubt that no one in this whole world denies that Metzgar has had much experience in mining and relating thereto he has worked in mines ever since the time they had the strikers in the Bullpen in the Bunker Hill and Sullivan Mine Couer D'Aliene Mining district, most all of the miners know that he has worked in different mines ever since. He has made his living by mining and not by farming, ever since he has been on this mountain homestead, he or no one else could make a living by trying to farm this land in half acre and one acre patches. I tried it for two seasons and I discovered that by selling my labor to someone that wanted to buy me as a wage slave, I could by five times as much garden truck with the money I got by selling my labor power than what garden truck I could produce at the same time for my own use, even if I do pack it on my back on this high mountain before I am ever able to do my development work. I would have been better off if I had never had experienced the farming of a garden spot of a half acre here and there. But we learn by experience, so I gave it up as a failure before I would go bankrupt entirely, if I keep on raising my own garden truck in these little patches. It pays me better to buy them than it does to raise them and that is why Metzgar is compelled to sell his labor power as a wage slave to the higest bidder in order to avoid starvation which would be a sure thing to happen if he ever tried to make his living by working this land which he swears that he had examined and knows all about.

The law of self-preservation taught him the first law of nature that commanded him to take care of himself under all kinds of conditions even though it takes a lead pipe to take care of yourself you should use it. It is right that the world should get the direct results of punishment of a bad pipe that comes from the re-action of their acts in shaping and forming such conditions so as no one can live only by using a lead pipe or by robbing and being robbed. And that is why that John S. Metzgar sells his labor power as a wage slave miner in order to avoid starvation by trying to farm this four acres of land that he has testified to at the hearing of the protest which is all of the land he said that could be framed out of every 25 acres on the Greenhorn Mineral Claim, right in the eyes of so-called Honorable Commissioners of the General Land Office, Washington, D. C., unless the hearing of the protest has since been reframed.

Sure John S. Metzgar certainly knows the character of the land, every inch of it, on the Greenhorn Claim. This evidence is certainly an unfailing firm established fact that is not liable to stumble, slip or fall without a doubt. That is not contradicted by no living being in this whole wide world. He swears that he has examined the vein of melted mineral ore that measures two feet and eight inches at a certain point right in between two well defined walls, does not exist, described at the hearing of the protest by Ley White as being shaft No. 4, known as the apex of the Greenhorn Claim.

If Metzgar did not know every inch of the character of land on the Greenhorn Claim years ago, how did he know that this vein of melted mineral ore that measures over two feet eight inches at certain points right between two well defined walls described as shaft No. 4, known as the apex of the Greenhorn Mineral Claim. How did he know that this above lead of ore was staked out once before years ago and abandoned if he never examined the land, if he did not know every inch of the land years ago. In the month of June 1908, why did he tell my partner, John DesJordin, that he would show him a better lead of ore than what shows up on the location work of the Greenhorn No. 2 mineral claim about 300 feet in a northerly direction from main tunnel No. 2 of the Greenhorn Claim for a fifty pound box of dynamite? My partner asked him if it

was on this mountain and he said yes. Mr. Desjordin told him if there was anything on this mountain he would find it and so he did find it in the next two days. Now, if he did not know that this vein of ore in the shaft No. 4, or the apex did not exist years ago, where is that better lead of ore on this mountain that he wanted to show my partner, J. Desjordin, for a box of dynamite? Where is it if he did not know the character of every inch of the land on the Greenhorn claim years ago? It was sometime in the first part of the month of November, 1911, when Mr. Metzgar came up to my cabin with a rifle and asked me to go out deer hunting with him, and I told him that I was to busy working in my mine. He then asked me if I would take him around to show him the different workings on the Greenhorn Claim, just as if he did not know every inch of the character of the land. The main tunnel is right on the road and runs under the road. Anyone coming up to my cabin on this road cannot help from seeing it and by looking about 250 feet in an westerly direction, one cannot help from seeing the location work No. 1 and by looking about 300 feet in a northerly direction from main tunnel No. 2, they can not help from seeing the location work of the Greenhorn claim No. 2, and the road running to my cabin runs right by it within about 60 feet and he wants somebody to show him these works while he has a gun with him.

Although it may be said that energy is nothing and nothing is something, I would not expend my energy in carying that cannon of a gun up and down on these high mountains short of three dollars a day and he was doing it without pay. After taking him up 1000 feet in an easterly direction from the main tunnel to tunnel No. 3 he said that he had never seen that before. Then taking him 150 feet in an easterly direction to shaft No. 4, known as the apex, he said right away to me, "what was it that melted that mineral ore in between these two lime walls without melting the walls?" I said that they are not lime walls, they are lime marble walls. Just then I began to take a few steps to one side and picked up a granite boulder rock and told him that I thought that that ore was melted about the same time that this granite boulder rock was formed and that was over a million years ago. Then I began to tell him that iron melted at about 3000 degrees of heat

farhenheit, which is over 1000 degrees of heat less than what the lime marble walls would melt at, consequently it was not hot enough to melt the walls. Gold weighing 1212 pounds to the cubic foot, which is almost three times as heavy as iron, and all other valuable metals such as lead, silver, zinc, mercury, copper, cobalt and nickel; bismuth, anitomy, cadmiun, tin. All these metals weighing heavier than iron and melting at a less degree of heat would naturally sink or immerge through any iron melted fluid to their natural bases. Platinum weighing 1218 pounds to the cubic foot and melting point being at over 4000 degree of heat farhenheit and Tungsten being another oneo f the heavy metals and which has a very high degree of melting point, melting at 5576 degrees of heat.

These last two metals above stated would naturally sink through any melted iron fluid in their frozen state until they got to a foundation to rest on. After telling him all this, he never even thanked me for what I had told him. All though I know that no one can live on thanks, he never even as much as uttered a word to me in setting me right or wrong in the above statement that I made to him.

When we were on our way coming back, down the mountain, he asked me or rather said to me, "is that mineral ore in the main tunnel the same or like the mineral ore that is in the apex?" I said no it is not. It is the product of its condition and that conditions vaires in space and that it would not be no more alike than like you could find two trees just the same that are the product of their conditions, wherever condition varies in space.

About a half a mile in a northerly driection from the main tunnel there is two little swampy lakes. They are about 500 feet higher than the main tunnel. Itold Mr. Metzgar that the water in those two lakes had something to do with the making of this mineral. Water dissolves copper. Anyone that has given a little of their time in the study of the laws of evolution which is natures slow process that has been going on for over 28 million years. In the action of water precipitating the minerals out of decomposed earthen substance into the elements of a solution of chlorides mineral forms and the precipitating the carbon and other elements of mineral substances

out of previous vegitations. Any kind of water that goes through this slow process of natures laws has the power to carry on the process in the creation of making water a composition of mineral water.

This nature of water becomes the character of a compound of ingredients of different substances of mineral elements that are in their chloride forms and wherever there is an opening of space in the form of a chamber, dike, stratified veins or beds, fissure veins, pockets, crevices and cavities in rocks that has an atraction in attracting the minerals from the water, all waters that have become composition of minerals will deposit the minerals in any opening of space of a chamber, dike, stratified veins, or beds, fissure veins, pockets, crevices, cavities in rocks and so on until everything is filled up and there is no more room for the natural gases to escape which causes a quaking trembling or a concussion of the earth, which is the cause of an earthquake. And other poisonous gasses that become combustible that catches on fire and becomes inflamable that readily burns a mountain terrific explosion sending out clouds of vapor gasses throwing out hot fragments or rocks. This is the cause of the volcanic eruptions that bring the mineral ores up closer to the surface opening and makes more space or room for the water to make new deposits of its mineral.

I told Mr. Metzgar at his house about Mr. Benjamin Franklin, when a little boy, a barrel of meat came to their home. Benjamin, who was then but a little boy, went to his father and earnestly insisted that he should go out and bless the barrel of pork. His father said what for? The boy said by so doing they could save all that time that is so foolishly wasted in giving blessing at every meal in proportion to what is set on the table. I know he did not like the idea of me expressing myself in such a manner right before his wife and children. He showed his dislike by getting up from his chair and going into the other room.

If Metzgar would save this time instead of giving blessing at every meal and put it into study of the laws of evolution which is the process that is going on in the actions of all of natures beauty, in everything and all things, the living, the breathing, the actions and re-actions of natural laws governing

the processes which is the laws of evolution and one whole complete end of the process is the change that is governed by the laws of revolution.

When we consider all of the valuable time that Metzgar has wasted in giving blessing at every meal during the last 14 years, all the while he was working in mines as a miner, and learned all about mineral ore, as he has testified, had he spent this valuable time in the study of the stone age, he would have arrived at the conclusion that the stone age is over half as old as that of the earth, that has been estimated by scientists to be over 56 million years old. Metzgar has no knowledge of this. He is a Christian and can prove it by the bible that this world is not that old. He is a creed believer and a creed inventor. A Sunday School teacher in a little church at Napoleon, Stevens Co., Wsha.

That is where he teaches those little children those infernal lies that is in the Bible that this world is not yet seven thousand years old and they must believe it for the Bible says you must or perish.

A general estimate is based today on the average age of life of the Christian race. It is estimated from 28 to 30 years and according to the amount of sickness and diseases that the Christian race has brought into this world that has melted the germs into a fluid of a flood, from which there flows a thousand streams of vice, crime, prostitution that which it has broadened and deepened until it has constituted causes that are governed by universal laws that are bound to have their effect in the direct results of the punishment which wil only destroy them in the end. This is nothing more than the direct results that come from the re-action of their acts by denying and violating the universal laws and the law of self-preservation which is the first law of nature. There will come a time when these ministers, these priests and these creed inventors will be hung up by their thumbs and tongues, which will only be the direct result of the punishment that is bound to come from the re-action of their acts in teaching those little children those infernal, wicked, detestable, hellish, falsehood of lies in the Bible that they so violently declare to be the truth from the beginning to the end of the Bible.

The laws of evolution will yet in the future bring such a

change that the people will throw off the chains of shackles that bind them and come out of the mist that blind them and once more be true to thyself first of all.

As Patrick Henry has said, "Is life so dear or peace so sweet as to be purchased at the price of chains and slavery forbid it. I know not what course others may take, but as for me, give me liberty or give me death."

By the inventions of the Bible creeds and by the inventions of other creeds. In Metzgar's appeal to the Commissioner that he so fearlessly and openly declares to be the truth and we all must believe it to be the truth, for he is going to prove it to be so through the power of belief. Without rules and regulations to prove this and that by, we can not prove anything. We can not prove anything through the power of belief.

John S. Metzgar testified from pages 22 and 23 of the records, as follows.

Question: Do you know a ledge or vein of ore when you see it?

Answer: I do.

No one in this wide world today would deny that testimony.

Question: Is there anything in the shape of a vein or ledge or deposit of mineral in this tunnel, that you could find?

Answer: There is not. South easterly corner stake of the Greenhorn mineral claim stands about 350 feet south and about 300 feet east from the N. W. corner of Sec. 32.

Question: Are there any deposits of mineral on any of the working or prospects holes on this ground of yours?

Attorney for protestant objects, the witness has not shown himself competent.

Question by Attorney Upton said more than this. He said that it was not Metzgar or you and your witness to be determined in taking samples of ore from the Greenhorn Mineral Claim that would show the character of being mineralized, was it?

There were ten samples of ore laying on the table that was introduced by Melich and his witnesses, 4 samples taken from Main tunnel No. 2—3 samples taken from tunnel No. 3 and 3 samples taken from shaft No. 4, known as the apex. Those

ten samples of ore was all introduced as evidence and were all laying on the table.

Answer by Metzgar. Those samples of ore laying on the table there introduced as evidence by Melich and his witnesses are nothing more than country rock. This is perjury in the act of willfully making the false oath administered by lawful authority right in the eyes of so-called Honorable Commisioners of the General Land Office, Washington, D. C.

If the whole country is the formation of this kind of rock that is laying on the table at the hearing of the protest, 10 samples introduced as evidence by Melich and his witness it is no wonder that the Kettle River Mineral District was blotted out and formed into a mineral district for the purpose of mining.

Question by Attorney N. D. Walling continued. Are there any deposits of mineral on any of the working or prospect holes on this ground of yours?

Answer by Metzgar: There is not, according to my definition of mineral.

This is a creed that he intends to prove through the power of belief that the tunnel No. 3 and the shaft No. 4, known as the apex, is not on the ground of his homestead. Why would it not be more honorable for Mr. Metzgar to come right out with the truth and say that the above tunnel and shaft does exist on the Greenhorn claim, but are not on this land of mine, instead of trying to twirl his twisting ceremonious creeds around so as to make it appear right in the eyes of so-called Honorable Commisioners of the General Land Office of Washington, D. C. Which one of the three tunnels or shafts does he mean that he has testified to could not find a vein or ledge or deposit of mineral ore thatis the character of mineral in this tunnel?

This testimony is a creed that he is going to prove through the power of belief that the character of mineral on the Greenhorn Claim is non-minneral without rules and regulations to show whether he means tunnel No. 1, known as Discovery or tunnel No. 2, known as main tunnel or tunnel No.3, known as being 1000 feet in an easterly direction from main tunnel or shaft No. 4, known as the apex. All those workings are in an

easterly direction from Discovery Stake and are all on the Greenhorn Mineral Claim.

This testimony is so arranged that it can be switched from tunnel No. 3 to some one of the other tunnels until no one knows what tunnel he is giving his testimony on. Has Metzgar ever yet given his testimony as to the character of mineral in the shaft No. 4, known as the apex of the Greenhorn Mineral Claim? Oh, no, that must be kept dark and should not be disclosed or communicated to others, just as though the apex does not exist.

Thomas Roots has testified at the hearing at the protest that Shaft No. 4, known as the apex is very close to the N. W. corner N. W. ¼ of Sec. 32, Township 38 N. Range 37 E. W. M. But tunnel No. 3 which is 150 feet in a westerly direction from the apex is closer to the N. W. corner than the above shaft mentioned.

Dandled dwindled does exist and twiddle twisted does not exist wriglled all around so on the Greenhorn Claim until no one knows where the wrigllers are on this land of yours.

The Greenhorn Mineral Claim is staked out 1500 feet in length and about 600 feet in width.

Discovery stake stands about 400 feet south of the N. W. corner of the N. E. ¼ of the N. E. ¼ Section 31, shaft No. 4, known as the apex, which stands about 1400 feet in a easterly direction from discovery stake or about 80 or 100 feet over the east end line of Section 31 into Section 32, Township 38 N. Range 37 E. W. M.

Now the law allows me only about 20 acres of land on this above claim mentioned. John S. Metzgar testified at the hearing of the protest that I, J. T. Melich, has about 25 acres of ground staked out into the Greenhorn Mineral Claim. This is 5 acres more than the law allows me to have on the Greenhorn Mineral Claim. This claim runs 180 feet over the east end line of Sec. 31 into Section 32 as above mentioned, that takes in a strip of ground 180 feet running in an easterly and westerly direction and 600 feet running in a Northerly and Southerly direction on Sec. 32. This is the strip of ground that the shaft No. 4, known as the apex stands on.

John S. Metzgar also testified at the hearing of the protest that I, J. T. Melich has about 2½ acres of ground staked out

on his homestead into my Greenhorn Mineral Claim of Section 32, Township 38 N. Range 37 E. W. M. This is the little strip of ground above mentioned that Shaft No. 4 is on. Again in the contract that he has made out to me giving me all of the mineral that is in under ground that I had staked out into mineral claims, there is a statement that he made in the contract stating that I had about 25 acres of his land staked out comprising the Greenhorn and Greenhorn No. 2 Mineral Claims. According to this statement there must be about 5 acres on his ground that the Greenhorn claim No. 2 takes in.

The Grenhorn claim No. 2 runs about 1500 feet in an easterly direction and westerly direction and about 600 feet in a northerly and southerly direction and joins the Greenhorn claim about 250 feet north of tunnel No. 3 and north of shaft No. 4, known as the apex of the Greenhorn claim.

These two working are about 150 feet running in an easterly and westerly direction apart from one another and perhaps they are both on this little strip of land 2½ acres that Metzgar has testified to that is on his ground. Now he is trying to twiddle and wiggle this lead of ore that measures over two feet wide, running in an easterly and westerly direction clean across his whole homestead from the west end to the east end off of the Greenhorn claim or off of all of his land or off of this ground of yours until no one knows what ground it is on. No one knows what end of the twiddle or wiggle to believe in.

It reminds me of two young laides or gentlemen who started to go to a Country Church together on a Sunday to hear a minister of the gospel speak a sermon. Coming to the church yard gate they were confronted by a dog. The dog began to bark and growl at them and they were afraid to venture in until very soon one of the young ladies said to the other young lady, look he is wagging his tail, he won't bite—come on, lets go in. The other lady said yes, I know he is if Iwas sure that that dandle diddle twiddley would come at me with the wiggling end, I would go in. But I do not know which end to think in. Very soon the other young lady said, well, I think there is no use for us to go in that church to hear that preacher speak that sermon. The other young lady said why? She said he might wiggle the end of his sermon around some until we would not know what end of his

sermon to think in either.

Question by Attorney Walling: State what experience you have had in prospecting or working about mines.

Answer by Metzgar: I have spent about seven years in working in the mines in the Coeur D Alene. I have spent in the neighborhood of seven years working in the Napoleon mine, not steady work, but off and on.

The reason why no one denies this fact of the above testimony is because he cannot make a living by farming those patches of here and there on this mountainous land of rocks and mountains on his homestead or on the suggestions that arise in the minds among the farmers in this neighborhood that are familiar with this question through the experience of trying to make a living on similar land by trying to plow the patches among the stumps, rocks and mountains with the hand tools. Their character in expressing their honest opinion to one another they say that these small patches of land can not be farmed and cultivated by the means of the most improved machinery that is operated by an army of wage slaves farm workers on the lines of least resistance. They say you can no more compete with hand tools against modern improved farm machinery than you can compete with the railroad by hauling freight from here at Boyds to Spokane on a wheelbarrow. The farmers around here say that nature has never yet intended that they should make a living on this land. It should have been left to the wild animals and the starving prospectors so as they would have more game to live on. And that is why John S. Metzgar is compelled to seek, search and hunt for a master that would be willing to buy his labor power as a wage slave miner to any master that would be the highest bidder in order to avoid starvation, which would be the natural result and consequence of the facts that would spring out from his experience if he ever tries to proceed in farming this land of his or this land of yours.

It is for this reason that John S. Metzgar has lowered himself down on the level with wage slavery without a word to say against slavery when the largest criminal that is guilty of all kinds of wicked crime such as a breach of man made laws as treason, murder, robbery, theft or any other public wrongs would have to lower his position if he came down on

the level with a wage slave, that is all the time out around seeking, searching, hunting for a master who would have the supreme power of the authority to command their obedient of the wage slave, who so violently displayed absolute ignorance of the simplest rules of regulations that would show them the thorough knowledge of wage slavery is the state of a slave being in bondage, subjection to the will of another and that wage slavery is one of the worst forms of slavery that a person can speak of.

As Benjamin Franklin has said: "Anyone that would give up any essential parts of his liberty for safety, should neither have liberty or safety." This statement elevates the criminal to a higher standard of life, that is above the wage slave and his master. Why? Because they have got more honor for liberty than what would allow them to give up any essential part of their liberty for safety and peace to be purchased at the price of becoming a good peaceful law abiding wage slave. Harry Tracy, the Younger brothers and the James boys all have got the honor of not lowering themselves down on a level with a wage slave and his master. They are all lovers of liberty and liberty is something that you have got to fight for or you will not get your liberty. You can not get your liberty just by puting or by placing a piece of paper in a box. You must fight for your liberty and fight you must or perish, for you can not get your liberty by becoming a good peaceful law-abiding wage slave which is one of the worst forms of slavery that a person can speak of. There is no master today that would give up the wage slave for chattel slavery. There is no master today that would invest his money into a chattel slave labor even down to a horse—he has got sense enough to know that it is cheaper to buy horse power or wage slave labor power by the day, week or month or by the year, then it is to have his capital invested into chattel slave labor power that is liable to take sick which would put the master under a big cost of expense by keeping the chattel slave well supplied in the line of medical attendance, food, clothing, shelter and protection from everything that would intend to injure the chattel slave's health in any way, shape or form. If he would not give his chattel slaves this kind of a treatment, the slaves would be liable to die on his hands and then his

master would be under the expense of burying the dead and lose the money of a thousands dollars or more that he had invested in his chattel slave and perhaps would not be able to select another one as good for the price.

Under the wage slavery system the sick take care of themselves and now the dead have to bury themselves. In the year 1908 when the Milwaukee Railroad tunnel work was going on about four miles west of Taft, Montana, there was a master who had some chattel slave horses and some wage slave teamsters that were doing the freighting of supplies from Taft over the mountains to the west end of the mountain. One day his wage slave teamster and his four chattel slave horses went over the mountain off of the road down the mountain a hundred feet or more at a very bad place. Another man on the road that was close enough to see the proceeding of the accident came into Taft as quickly as posible and after making the character of the accident known to the teamster master, the master asked if it killed any of the horses. The man said I do not know as I never took the time to go down to see where they landed. Then the master said that he would send some men there right away to get the horses. When the men were ready to start, one man asked the master what they should do for the teamster. The master said never mind taking care of the teamster, I can easy enough get a teamster any time I want one—never mind taking care of him—go and take care of the horses and bring them home as soon as you can. The horses cost me money and I can not buy horses as easy as I can hire a teamster for wages. I can not afford to lose them horses. When they got there they found the wage slave teamster dead and two of the horses were dead and the other two were very badly crippled up in their limbs, so disabled to be effective to render or be of much service to his master. All the difference there is between the chattel slave of the past and the wage slave of today, is the master under chattel slavery selected his own slaves. John S. Metzgar as a wage slave miner for the last fourteen years selected his own master, that he is so proud of being his wage slave and not a word to say.

As Debs has said: "Did you ever look over yourself, did you ever satisfy yourself, as to what you are, or rather that what you are not? You will arrive at the conclusion that as

a wage slave worker in capitalist society, you are not a man at all—you are simply a thing and that thing is bought at the market just as hair, hide and other things of merchandise is bought."

The reason chattel slavery was abolished is because chattel slavery was becoming unprofitable to the masters.

But what have we gained by the institution of establishing a wage slave system? At the time of chattel slavery, the master used to have to hire a police to watch the chattel slave. He used to try to run away from his master and make his escape by fleeing into Canada, so as to be out of danger from his master. The masters do not have to hire police to watch John S. Metzgar, the wage slave miner. He runs the opposite way he runs towards his master.

When the masters did not have work for the chattel slaves there were laws that they were compelled to keep them well prepared in the line of food, clothes, shelter and medical attendance. When the masters have not got work for John S. Metzgar, the wage slave miner, they turn him loose on the wage slave market where he is compelled to seek, search and hunt for a new master. Who ever heard of a chattel slave hunting for a master. The masters had a hard time in finding chattel slaves, the wage slave miners have got a hard time in finding a master.

Go where you may, north or south, east or west and you will find wage slaves begging for the opportunity to work in order to avoid starvation, in a land where milk and honey flows. They have not got the courage of a daring outlawed highwayman that would go and take what they produced, that which naturally belongs to them. They do not know enough to be in harmony with the natural laws. It is only obeying the law of self-preservation that command them to go and take that or those things that they have got to have in order to live to take care of themselves. It is a natural law that we workers must obey or we will come to nothing in the end, only to be transformed into energy. And energy is nothing and nothing is something that brave men of daring courage can make use of by harnessing it to do work of any kind by putting it into such action that will give them advantage over others.

This universe consists of two elements, material and energy. Material is substance and energy is absolutely nothing. And there are some people who claim that they are the best and well-learned men of the world. And who proclaim that this thing that I call absolutely nothing and they say that it is an invisible power that does exist in all of the different features of life, clean throughout this whole universe, and that this same Supreme Power manifests itself as being absolutely but one God and is something that is absolutely essential to al lthings pertaining to all life. Just as it does express itself in taking up of space in all of the various features of all life, especially whenever this invisible power takes up the space at any time, when ever anyone would desire to bottle up this thing into an air-tight chamber into the form of a vacum. And the same is called God. I say this thing that is composed of absolutely nothing possesses nothing but space void of all substance and the same is nothing but an air-tight empty space, entirely exhausted from all air and absolutely unoccupied by anything.

And still I have the power to hold this thing dormant as long as I will desire to hold it in bondage in my bottled up chamber, shut up tight from making any disturbance of any kind, until I desire willingly to turn her loose from bondage. And then this invisible power, so-called God is a thing that I say is composed of absolutely nothing, shows a disturbance of about fifteen pounds to the square inch. Whenever she is absolutely free from bondage to act in contact with all other matter, inasmuch as she would show this invisible power of fifteen pounds to the square inch.

That, I say, is a thing that is composed of absolutely nothing.

And what is furthermore about some of these well-learned men is that they go still farther into their question of this invisible power that exists in all of the various forms of life. Inasmuch as in all things of life are the particles of absolutely one God. That, I say, is an invisible supreme power that is composed of absolutely nothing. And, therefore, I say that all things of life that are the effect of causes of all of the slow processes that are in action in all of nature's beauties in everything in life, the living, the breathing the actions and re-ac-

tions that come from the various causes of all the different processes of evolution that bring about the complete changes of all things in life that are the effect of all causes are doomed to come to means to an end. In other words, there never was a birth of anything but what there was a death of that same thing. So you can all plainly see that they will lose their God in the end, anyway. That, I say, is a thing that is composed of absolutely nothing. Especially when some of those well-learned men say again whenever we can establish this invisible supreme power as the particles of our absolutely one God will become evenly balanced in all things of life in all of the various feature forms of all life throughout this whole universe. And whenever we will get this same thing accomplished, then, and then only, there can nothing exist throughout the whole universe but absolute peace. I say it is the absence of disturbance, and when there is no disturbance, there is no invisible power, and when there is no invisible power there is no such thing as particles of one God can exist in all things which, I say, is composed of absolutely nothing. So you can all easily see, as a matter of fact, what would become of their invisible supreme power after they would have the particles of their absolute one God, evenly balanced in all things and after they would have absolute peace evenly established in all the various feature forms of all things throughout the whole universe.

So you can all easily see how plain, simple and explicit they have made it for us all to see for the simple purpose that there should not be a shadow of doubt in the minds of the reader to see that they would only lose their invisible power in the end. Which is the thing that they call their God. Which I say is composed of absolutely nothing.

If such a peace should ever become evenly and firmly perpetuated throughout this whole universe. And which would only be the direct results of the consequence of all that would surely come from the reaction of their act of establishing absolute peace, which is the absolute absence of all disturbance that exist in all things of life and the same is true that all one invisible supreme power that they call their God. And the reason they say that this power is invisible that they call their God is because blindness cannot conceive anything from that thing that they call God especially when she is composed of

absolutely nothing and that is why they say that she is a thing that is absolutely invisible, they say it because she is so small that they cannot see her because there is nothing there to see; there is nothing there to analyze and as long as they cannot show me the smallest particle part of a thing for me to work on this thing that they call their God, then I say that she is composed of absolutely nothing. If they could do this they would soon cease calling her an invisible power. But they cannot do this. As long as they cannot do this they should all agree with me that their God is composed of absolutely nothing.

Question by Attorney Walling. Your knowledge is such that you could discover a mineral deposit of any kind if you would see it.

Answer by John S. Metzgar. Yes it is. No one denies that fact.

Question. How does the ore in the Napoleon mine compare with the exhibits of ore that have been offered here by protestant?

Answer. Ore like that taken from the main tunnel (taken by Roots) would be thrown on the waste dump at the Napoleon mine.

As a matter of fact it is not John S. Metzgar's intention to show or testify that the character of the ore in the tunnel No. 2, known as the main tunnel of the Greenhorn mineral claim is mineral in character. Mr. Thomas Roots introduced three samples of ore as evidence at the hearing at the protest one sample from tunnel No. 2, one sample from tunnel No. 3, one sample from shaft No. 4, known as the apex all on the Grenhorn mineral claim.

Why is it that John S. Metzgar so furiously objects in giving his testimony on the sample of ore that came from tunnel No. 3 and shaft No. 4 as above mentioned. According to his own testimony these prospect holes above mentioned are all on his homestead and are all on the Greenhorn claim. This gives evidence of the fact that he is trying to make final poof in the absence of showing the character of the mineral that is in place in the tunnel No. 3 and the lead of ore that is in place in the shaft No. 4 known as the apex of the Greenhorn

claim, right in the eyes of the so-called Honorable Commissioners of the General United States land office of Washington, D. C.

Question by Attorney Walling—Is it of the same character?

Answer by Metzgar. Practically of the same character of what they would call their country rock at the Napoleon mine.

Let me tell you right here that it is an accomplished fact that Josn S. Metzgar refused to take witnesses at the hearing of the final proof and at the hearing of the protest, that would testify to the truh as to the characer of the land being mineral in character or non-mineral.

Mr. Metzgar went to see Mr. James Alexander and asked him if he would go as a witness for him at the hearing of the final proof and asked him what he thought of the character of the land as to its mineral. He said that all the land around that mountain is more or less mineralized and that he thinks it is the character of mineral and if he went as a witness for himat the day he made final proof he would tell the truth as to the character of the land being mineral in character, and that he would not lie for him or for any one else. Then he said he thought he could get along without him and walked away.

Sometime in the month of March 1912 John S. Metzgar brought a old time prospector on the Greenhorn Claim by the name of Mr. Hook. He showed him the main tunnel No. 2 and asked him what he thought of it. He said that it was about as good a capping as he had ever seen over a big shoot of ore. Then he took him up to the location work of the Greenhorn No. 2 Claim and asked him what he thought of it. He looked at it and said that it was the Blossom that always crops up from a big shoot of ore that is in under the ground.

That settled the question right there and then with Metzgar that Mr. Hook would never do as a witness at the hearing of the protest. Did Mr. Metzgar take Mr. Hook up to show him the tunnel No. 3 and shaft No. 4 known as the apex of the Greenhorn Mineral Claim? Oh no, that is to be kept dark the above answers were enough for him, he did not care for Hook's opinion on tunnel No. 3 or shaft No. 4, that is to keep it dark as if it did not exist.

These statements and other statements give evidence that

he is trying to make final proof in the absence of showing that the character of the land on the Greenhorn Claim is mineral in character, for the prupose of speculating with the view of the expectation of getting control of that big shoot of ore that is in under the ground that runs in an easterly and westerly direction clean across his whole homestead from east to west and indications show that the shaft No. 4 springs from. I, J. T. Melich testified at the hearing of the protest that the open cut up to the mouth of the main tunnel runs in a little west of north direction and that main tunnel from mouth to end was in about 30 feet running in a northerly direction. My witness Mr. Ley White and Mr. Thomas Roots very near testified to the same thing.

John S. Metzgar testified that the open cut up to the mouth of the main tunnel runs directly north and from the mouth of the tunnel to the end was in about 27 feet and runs direct east. That is perjury by willfully making false oath right before lawfully administered, right in the eyes of the co-called Honorable Commissioners of the General U. S. Land Office of Washington, D. C. The angles of the open cut and tunnel are here to stay and in time will prove this testimony of Metzgar's to be false.

I, J. T. Melich testified that I had done about 15 feet of work on the discovery hole about $50.00 (fifty dollars) worth of work on the road in the year 1910. It was on this road work that I made the discovery of the mineral in the main tunnel that I had done about 40 feet of work including the open cut work and up to the time of the hearing of the protest which figures up all told on the above mentioned about 60 feet of work all told, which amounts to the value of $600.00 (six hundred dollars).

John S. Metzgar testified at the hearing of the protest that there is about 65 feet of work all told done on the Greenhorn claim which amounts to the value of $650.00 (six hundred and fifty dollers).

According to this testimony of Metzgar's he must of had figured that there must be about five feet of work done on the tunnel No. 3 or shaft No. 4 known as the apex. He has so far all the way through the hearing of the final proof and hearing of the protest never intended to give any testimony on the

above tunnel and shaft mentioned. Only through a mistake of this kind that he did not intend to make. This gives evidence that he must know something about the tunnel No. 3 and shaft No. 4 of the Greenhorn Mineral claim.

Question by Attorney Upton—Is all that mineral ore that is laying on the table there introduced as evidence by Melich and his witnesses, Mr. Ley White and Thomas Roots, all practically of the same character of what they would call their country rock at the Napoleon mine.

Answer by Metzgar—Yes, it is of the same character. Six samples of that ore laying on the table above mentioned, three samples were taken from tunnel No. 3 and three samples were taken from shaft No. 4 of the Greenhorn claim according to Metzgar's testimony the tunnel No. 3 and shaft No. 4 does not exist on the Greenhorn mineral claim.

Question by Attorney Upton—Is there any one here that has got some samples of ore taken from the Napoleon mine?

Answer by J. T. Melich—I have got some here in a tobacco sack, and handed the ore to Attorney Upton, who handed the ore to John S. Metzgar in the witness chair.

Question by Attorney Upton—Was this ore taken from the Napoleon mine?

Answer by Metzgar—After taking three of the best samples of ore selected from the bag he stated that this is their sample ore that they ship from the Napoleon mine and it runs heavy in the value of sulphur. The rest of the ore that is left in the bag contains no values and there is nothing in it.

Question—by Attorney Upton—Does the Napoleon mine ship any of that kind of ore to the smelter of what is left in the bag.

Answer by Metzgar—Yes, they do. They do not sort their ore at the Napoleon mine. They take it just as it comes and when they ship that kind of ore that is left in the bag, they get no value from that kind of ore. There is nothing in it.

This above bag of ore was introduced as evidence at the hearing of the protest by I, J. T. Melich, who has taken the samples of ore from a car load of ore that was filled out of the ore bin at the tramway that runs from the mine to the ore bin, and was billed to be shipped to the smelter. Now this above ore was introduced as evidence unless the hearing of the pro-

test has since been reframed right in the eyes of so-called Honorable Commissioners of the General U. S. Land Office of Washington, D. C.

(Taken from the appeal, page 5). Metzgar's testimony is supported by the evidence of C. C. Gay, a mining man with about twenty years experience. He made careful examination of the property and in company with James Regan and Metzgar took samples from the tunnels on the mining claims, which samples were taken at different places on the side and end of the tunnels and are introduced in evidence as protestees 1 and 2.

Any one that would shape and form habits for twenty years in the experience of mining as a natural result would show to Mr. Gay that his habits for mining would linger with him until death. Mr. C. C. Gay has been in this country for over twelve years and there is no one in the country that would testify that he ever worked a day in the mines any more than he hauled coal from off the cars on the side track to the Napoleon stamp mill, which was about a quarter of a mile haul, for about two months in the fall of the year of 1910. Mr. Gay has been ranching in this neighborhood for a number of years, but could not make a living at ranching. Mr. Gay told me that he was a harness maker by trade and in the year 1911 Mr. Gay traded off his ranch for a harness shop in Spokane, Wash. Now it seems that Mr. Gay has shaped and formed more of a habit in making harness, which he says is his trade, that he is now working at in Spokane, than the habit he has formed in mining for twenty years would haunt him to his grave to work in mines as a miner which would only be a natural result that he would naturally frequently resort to.

Did Mr. C. C. Gay and Mr. James Regan examine the tunnel No. 3 and shaft No. 4, known as the apex of the Greenhorn claim, as the above testimony goes to prove, without a doubt, that they have made a careful examination of the property.

Did Metzgar and his witnesses introduce any samples of ore as evidence taken from the different places on the sides and end of tunnel No. 3 and shaft No. 4? Oh, no, that is to be kept dark and not to be disclosed or communicated in this case as evidence. This gives evidence that his witnesses are to

receive some compensation in case they win the suit in court. That will give them full authority to superintend the power of control of the big shoot of ore that shaft No. 4 springs from, in return to his witnesses for not disclosing by communicating to others that the tunnel No. 3 and shaft No. 4 exist on the property of the Greenhorn claim that they have examined. There was only one sample of ore and one assay introduced as evidence at the hearing of the protest b y Metzgar and his witnesses as they had testified to that the samples of ore and assay has been taken from the side and end out of the main tunnel and not out of tunnels as the testimony in the appeal states.

The above samples and assay of ore introduced as evidence at the hearing of the protest as 1 and 2 were little small pebbles of rocks that gave evidence that they were broken off of larger pieces of mineral ore that was more mineralized ore, taken from the tunnel No. 2 known as the main tunnel of the Greenhorn claim. And then the non-mineralized pebbles carrying no values were assorted out and separated from the ores that were more mineralized and has the character of mineral.

This same thing can be done at any mine that is in operation today, by the process of sorting and separating the non-mineralized ores that carry no values from the mineralized ores that carry the values, not saying anything about it being done in a prospect tunnel that has only 40 feet of work done at the time the samples were taken, including the open cut and tunnel work and the end of the tunnel gave about 20 feet depth from the surface at the time the samples were taken.

Here is one lesson of the splendid and truthful fact that John S. Metzgar understands the process well of separating ore of no values from ores that carry values. The truthful fact comes from the testimony of Metzgar's evidence on the sack full of sample ore that I, John T. Melich, had taken from a car load of ore that was loaded from the Napoleon mine and billed to be shipped to the smelter. This sack full of sample ore, I, J. T. Melich, introduced as evidence at the hearing of the protest. When Metzgar was giving his testimony right in the witness chair he assorted and separated all of the samples of mineral ore that carried values from the bag or sack and testified that all of the ore that was left in the tobacco bag did

not contain values of any kind, and when questioned by Attorney Upton, if the Napoleon mine shipped any ore like that ore that was left in the tobacco bag, John S. Metzgar answered by saying, Yes, they did. They do not sort their ore at the mine. They ship it just as it comes out.

(Taken from the appeal.) There was also an assay from similar rock taken at the same time from the tunnels showing no trace of mineral which assay appears in the record as protestees exhibit No. 3.

There was no sample of m ineral ore No. 2 nor no assay No. 3 introduced as evidence by Metzgar or his witnesses at the hearing of the protest.

This above testimony in the appeal only gives evidence that the hearing of the protest has since been refrained. Right in the eyes of the so-called Honorable Commissioners of the General U. S. Land Office, Washington, D. C.

The only sample of rock that was introduced as evidence at the hearing of the protest by Mr. Metzgar and Mr. Gay was the sample of one No. 1 and the assay No. 2 that was taken from sample of ore No. 1 and the above rock was taken from the tunnel No. 2, known as the main tunnel of the Greenhorn claim. That was all that was introduced as evidence. And there were no samples of ore No. 2, nor assay No. 3 introduced as evidence as above stated in the appeal.

Question by Attorney Upton—Where did you take this sample of ore from, that you and Mr. Gay had this assay made of.

Answered by Metzgar—We took it from the main tunnel of the Greenhorn claim.

Question—How does the sample of ore that you and Gay had the assay made from compare in the relationship of agreements or disagreements, between your sample of ore and those ten samples of ore that was introduced here at the hearing as evidence by Melich and h is witnesses, Mr. T. Roots and Mr. Ley White, that is laying on the table right there in front of you.

Answer by Metzgar—That ore there laying on the table, contains no values and it is all country rock. There is no value in them.

Question by Attorney Upton—How does the samples of

ore introduced here by Metzgar and Gay compare with the ten samples of ore introducedf by you and your witnesses, Mr. Roots and White.

Answer by Melich—Why the sample of ore that Metzgar and Gay introduced as evidence are little pebbles of rock that were taken from the left side and end of the main tunnel broken off from rock that was more mineralized and then sorted from the ones that were more mineralized. If they would have brought with them the whole pieces that these small pebbles were broken from, it would have shown that it was the character of being mineral in character.

These ten samples of large pieces of ore introduced here as evidence by I, J. T. Melich, and my witnesses Mr. Ley White and Thomas Roots, laying here on the table, four of these samples were in place when they were taken from tunnel No. 2, known as the main tunnel, three of these samples were in place when they were taken out of tunnel No. 3 and the other three samples were in place when they were taken out of the shaft No. 4, known as the apex. All of the above tunnels and shaft mentioned are on the Greenhorn claim. Therefore the small pebbles taken from the main tunnel by Metzgar and his witnesses do not compare at all with the ten samples of ore laying there on the table. That any one can plainly see that the samples are well mineralized and show the character of mineral, while the pebbles do not show the character of mineral.

(Taken from the appeal page 6.)

Gay testified after a careful examination of the mining claim and basing his judgment upon his experience of many years in mining, that he did not think that the showing made by the mineral claimant was such as would warrant a prudent man in expending time and money on the property, with the expectation of making a paying mine.

In order to make the above testimony more truthful it should read something like this.

Gay testified after a careful examination of his harness trade and basing his judgment upon his experience of many years of work at the harness trade, he did not think that his showing made by farming was such as would warrant him as an intelligent and prudent man in expending his time and

money on farming property with the expectation of making his living by farming and mining.

Question by Attorney Walling——Tell what you know about the character of the land on the Greenhorn claim being mineral in character or not.

We have examined the main tunnel and took samples of ore every two feet along the sides of the tunnel and end of the tunnel and all we could see was a little vein of ore about one inch in width.

Who was with you when you examined the main tunnel?

Mr. Metzgar and Mr. Regan.

How many years of experience have you had in mining?

About twenty years.

Basing your judgment upon your experience of many years in mining, do you think that the showing made by the mineral claimant was such as would warrant a prudent man in expending his time and money on the property with the expectation of making a paying mine?

I do not.

This above question of Attorney Walling gives evidence that the above question was switched from a letter that I received from Mr. Hal J. Cole, Register of U. S. Land Office, Spokane, Wash., dated September 7th, 1911, stating that I should get a lawyer to draw me up a formal protest against the homestead proof of John S. Metzgar. This protest should show that I have valid mining claims on the side land in question, and it should also show that I have mineral enough to justify a person of ordinary intelligence and prudence in expending his money and time in the development of such mining claims. In other words, you must make out a good strong case in order to secure a hearing in the case.

All the main detail substance of matter consists in the question above asked by Attorney Walling, put to Mr. Gay, the witness, to answer, consists in Mr. Hal J. Cole's above statement mentioned only worded different in order to conceal their disguise of graft in their business.

Mr. Hal J. Cole's statements were not on the main track. They were on a switch, and are so arranged so he can switch them from one track to another until no one knows what track they are on. It is time that this switching should be stopped.

It was some time in the first part of October, 1911, that Hal J. Cole advised me to hire this lawyer, so-called Attorney N. D. Walling, who would make me out a good strong case, before I would be ever able to secure a hearing in the case of the protest.

(Taken from the appeal, page 6.) Among the witnesses who testified in this case there were but two, Metzgar and Gay, who could qualify and show sufficient knowledge of mining to give competent evidence as to the mineral character of the ground, and both swear without reservation that the land has no value for mineral purposes.

This above testimony gives evidence that Mr. Metzgar and Mr. Gay must have some knowledge of the character of the lead of ore in the tunnel No. 3 and to the lead of ore that measures 2 feet and 8 inches in the shaft No. 4, known as the apex of the Greenhorn mineral claim. Mr. Metzgar and Mr. Gay both of them have with reservation refused intentionally to take samples of ore or little pebbles of non-mineralized character selected from the character of mineralized pebbles that they should have taken from tunnel No. 3 and shaft No. 4 that they should have introduced at the hearing of the protest as evidence. Oh, No. That would never do for Mr. Metzgar and Mr. Gay to show the character of the above mineral leads of ore mentioned in tunnel No. 3 and shaft No. 4, known as the apex of the Greenhorn claim. Mr. Metzgar and Mr. Gay above testimony shows plain enough that they must make final proof in the absence of showing the character of the mineral leads of ore above mentioned, right in the eyes of so-called Honorable Commissioners of the General U. S. Land Office of Washington, D. C.

(Taken from the appeal, page 6.) The country for miles about these mineral locations was prospected years ago and nothing found, and it appears that one prospector who had made a mineral location on this same property abandoned the same.

This above evidence, without a doubt, gives evidence that John S. Metzgar has got a clear understanding of the character of the mineral bodies of ore in the tunnel No. 3 and in the shaft No. 4, known as the apex of the Greenhorn claim. If he is not familiar or acquainted with the mineral leads of ore

above mentioned, how does he know that this one prospector had located and abandoned the same mineral leads of ore above mentioned before. Mr. Metzgar and Gay have been swearing right along without reservation that the above lead of mineral ore mentioned do not exist in the Greenhorn mineral claim. This is perjury by wilfully making a false oath administered by lawful authority in a court of justice.

(Taken from the appeal page 6.) This language of the Federal Statute with reference to the character of the deposit as determining the right to explore and appropriate is "All valuable mineral deposits." Sec. 2319 revised statutes.

"A vein or lode, to be locateable and patentable under the mining laws, must possess the elements of rock in place, bearing one or more of the minerals specified in the statute, or some other mineral that would be embraced within the added words other valuable deposits." Henderson et al. vs. Felton 25 D. D. 652. "The existence of gold in non-paying quantities will not preclude agricultural entry of the land." Ething et al. vs. Potter, 17 D. D. 424; Wall Street Mining Company vs. Benson, decided.

These above laws are meant for old developed mines and not newly and freshly discovered prospects that are not yet developed into an old paying mine, that they have spent hundreds of thousands of dollars before the mine was put on a paying basis and not until then do they become valuable, no matter how good a prospect a poor prospector may have. He has not got the money to develop his prospect into a mine and that is why all of the old time prospectors that strike it rich were compelled to seel their property for a song, just because they did not have the money to develop their prospect into a paying mine. Therefore these mining laws above mentioned have no bearing on this case of a newly discovered prospect that is not yet developed into a paying mine. I, J. T. Melich, received a letter from Department of the Interior, General Land Office, Washington, D. C., dated September 30th, 1911, stating, "You are advised that mineral land cannot lawfully be embraced in an agricultural entry and the mineral character of the land may be shown at any time prior to final entry on the agricultural filing, that the land in question is mineral in character."

In 38 L. D. 512, the department said, "In this connection it may be observed that under the desert land act, no matter how extensive may have been the entrymen's improvements and reclamations, and disclosure of mineral prior to final entry will defeat the claimant."

These above statements are made in this letter that I have received from the Department of the Interior, General Land Office, dated Sept. 30th, 1911, do not state that the law compels me to have my prospects on paying basis. They do not even state that I have got to show the values of minerals in paying quantities. It only states that I have got to show that the character of the land on the Greenhorn mineral claim is mineral in character. Therefore the above laws stated in the appeal must be false, as they do not appear to be conformable to fact. What do you think of it?

(Taken from the appeal on page 7.) By the Honorable Commissioners, December 27th, 1910, on appeal from Spokane Land office.

"The protestant having failed to show that the land in controversy contains any lode, vein, or valuable mineral deposits, the decision of the Register and Receiver should be reversed. Metzgar's proof accepted and approved and the land embraced in his homestead entry passed to patent."

Respectfully submitted,

Attorney for John S. Metzgar.

This is the end of all of the testimony that is stated in the appeal and it is not signed by any one.

This above testimony gives evidence that Mr. Metzgar has wilfully perjured himself by forswearing the false oath that was lawfully administered in the court of justice at the hearing of the protest, by trying to make final proof in the absence of showing that the character of the land in the tunnel No. 3 and shaft No. 4 known as the apex of the Greenhorn mineral claim is mineral in character and has a mineral lead of ore that measures two feet and eight inches in width at a certain point. I cannot understand why it is that John S. Metzgar is so afraid of the truth in making those above mineral leads of ore known that is in the tunnel No. 3 and shaft No. 4 of the Greenhorn claim. But such seems to be the fact.

I have been warned and cautioned to go slow and not be too radical on this land question in controversy containing mineral or being mineral in character. In order to gain the support of those who might be offended by telling the whole truth of the lead of ore that measures two feet eight inches wide at a certain point in the shaft No. 4 known as the apex of the Greenhorn mineral claim.

I will not accept any such advice that has been recommended by counsel. If I have got to utter falsehoods or lies about the above leads of mineral ore mentioned, I do not want such support, and as far as being too radical as to the truth of the land in controversy being mineral in character, I will say, Do you not see if there was not a radical little root sprouting under a tree that tree could never develop itself.

I am now as I ever have been working for the full measure of the facts of everything pertaining to the testimony in this appeal, that they all so boldly declare and clearly proclaim to be the truthful fact, that the lead of ore in the tunnel and the two feet eight inches wide of a vein of ore in the shaft No. 4 known as the apex of the Greenhorn mineral claim does not exist and never did exist for the last million years or more.

Such testimony as this kind of evidence given in the appeal is perjury right in the eyes of so-called Honorable Commissioners of U. S. Land Offive of Washington, D. C.

(Signed) JOHN T. MELICH.

Reference to Spokane 03838 "N" J. P. B. 1 x R and R.

Boyds, Wash., December 19th, 1912.

Department of the Interior, General Land Office, Washington, D. C.

Sir: I wrote a letter to Mr. Hal J. Cole, register of U. S. Land Office, Spokane, Wash., dated November 26th, 1912, stating to let me know if all the main details of the morning session of the hearing of the protest at 10 A. M. June 6th, 1912, were or were not stated in this letter of 11 sheets, but did not get an answer yet. I wrote another letter to Hal J. Cole dated December 5th, 1912, stating if you are not going to answer any more of my letters in regard to this matter let me know and I will not spend any more of my valuable time in writing to you about this matter, but did not get an answer yet from any one of the two above letters menioned. I also have a letter from Hal J. Cole stating that the records do not show that I, J. T. Melich had demanded a copy of the hearing of the protest at the morning session about 15 minutes after I was told by Hal J. Cole to take the

witness chair 10 A. M. June 6th, 1912, Spokane, Wash. This only gives evidence to show that he has no records to show that there was a morning session of the hearing of the protest at the above time mentioned.

You will confer me a great favor by letting me know why he does not answer my letters, and also let me know if the records show or show not a morning session of the hearing of the protest above date mentioned.

Let me tell you right here something about the splendid facts that I, J. T. Melich was kept totally unconscious of the facts of everything pertaining to the action that there has been taken in the appeal of the decision rendered in my favor by the Register and Receiver Land Office, Spokane, Wash. That John Smetzgar is taking the above decision by appealing to the Commissioners of the General Land Office, Washington, D. C. This above appeal never was served on me until after November 20th, 1912, and it is not signed, let me know if it would be legal for me to take action upon this appeal when it is not signed. There is one error in the appeal I would like to know something about. It gives evidence that the hearing of the protest has been reframed, stating that my witnesses did not introduce samples of ore as evidence at the hearing of the protest. Mr. Ley White introduced as evidence three samples of ore from prospect No. 2, No. 3 and apex No. 4. Mr. Thomas Root introduced 3 samples of ore as evidence from prospect No. 2 and No. 3 and from the apex No. 4 and I. J. T. Melich introduced as evidence 4 samples of ore from prospect No. 2, two samples from No. 3, one sample from apex No. 4 all taken from the Greenhorn Mineral claim. Hal J. Cole won't tell me what action he had taken on these 10 samples of ore. I think I have a right to know these facts. If the error in the appeal did not deny these facts I would not trouble myself about them. Let me know something about this ore, I demand an answer on this question.

From the Department of the Interior General Land Office, I have a receipt No. 655129 showing that I paid eleven dollars and twenty-five cents for the testimony in the contest No. 3303 serial No. 03838. Why it is that I am not allowed to have a copy of the hearing of the protest. This is the fourth time that I have demanded the above copy, but Hal J. Cole has not yet conceeded or permitted himself to send one to me.

I have been waiting for this copy of the hearing of the protest for a long time now and have not yet received one yet. I wish that you would see to this and see that I get one. I demand one. As I have lots of evidence to show that the hearing of the protest has been reframed since the hearing at 10 A. M. June 6th, 1912.

When I concentrate all of my mental forces on this question considering the evidence that I have already on this proposition, it will go to prove that there has been lots of crooked work going on in this case from start to finish.

I can only arrive at the conclusion that Mr. Hal J. Cole wanted this time that he is so boldly taken instead of answering my letters he is using the time to patch up his dirty work with and perhaps to

see if he can't smooth over with so called Honorable Commissioners of the General Land Office, Washington, D. C., but the truth will all come out in the end just the same.

Very truly yours,

JOHN T. MELICH.

In reply please refer to Spokane 03838 "N" JPB 1 x R&R.

Department of the Interior, General Land Office,

Washington, D. C., January 10, 1913.

Information.

Mr. John T. Melich, Boyds, Washington.

Sir: In reply to your letter of December 19, 1912, you are advised that the record in the case of your mineral contest against the homestead entry Spokane 03838, of John S. Metzgar, filed April 15, 1905, for the NW¼, NW¼, Sec. 32 and the NE¼ NE¼, Sec. 31, T. 38 N., R. 37 E. is now in this office, on appeal by Metzgar from the decision of the local officers, of August 27, 1912, holding that the land embraced in said homestead entry, in so far as said entry conflicts with your Greenhorn Mining claim, was mineral in character.

A copy of Metzgar's appeal was served on C. C. Upton, your duly authorized attorney of record, September 25, 1912, as shown by his written acknowledgment in the record. Therefore, you cannot claim that service of the appeal was not made on you "until after November 20, 1912." However, any reply which you may wish to make will be considered, if filed in this office before the case is reached for adjudication, which will probably be in about four months.

You may be assured this office will not be misled by any wrong statements there may be in the appeal.

The record shows that the case was called at 10 o'clock A. M., June 6, 1912, and, as you had no attorney at that time, an adjournment was taken until 1.30 P. M., when you appeared, with your attorney, C. C. Upton, and the hearing began. So no testimony was taken until that hour and you were the first witness.

The samples of ore shown by your witnesses at the hearing are not with the record. The local officers will be asked to forward the same, if in their office. But the record of the hearing does not show that any of them were formally introduced in evidence. There is a difference between merely showing samples and properly introducing them in evidence, in the manner required by law.

If you wanted a copy of the testimony, you should have made arrangements with the stenographer who took it. The ordinary costs for taking testimony contemplate only the testimony required by the register and receiver. However, you may obtain a photographic copy from this office upon payment of $5.80.

Very respectfully,

S. V. PROUDFIT, Assistant Commissioner.

W. B. C.

Boyds, Ferry Co., Wash., April 1, 1913.

Department of the Interior, General Land Office, Washington, D. C.

In reference to Spokane, O. 3838 "N" J. P. B. 1 X. W. He.

Sir: In reference to your letter dated January 31st, 1913, let me tell your right here in this arid wilderness of steel and stone, I raise up my voice that you may hear me. Say, that I do not understand why it is that you are so afraid of the truth. But such seems to be the fact in this protest case of appeal to the General Commissioners. I stand forth to challenge your wisdom, for I request reasons and ask the why, what and wherefor whatsoever reasons you have had for not stating in your letter that I received from you dated January 31st, 1913. In your leter you did not state the full total number of minerals, ores and assays and applications of locations notices of quartz mineral claims. Also the applications of labor proofs that were introduced in evidence at the hearing of the protest June 6th, 1912, Spokane, Wash. All you have stated in your letter is "I have to advise that the samples of ore offered at the hearing by you and your witnesses have been forwarded by the Register and Receiver to this office and will be taken in consideration when the records in the case are examined."

You did not state in your letter how many samples of mineral ores and assays have been forwarded by the Register and Receiver to this office of yours, that were in place when taken out of the main tunnel No. 2, and was introduced in evidence by me and my witnesses at the hearing of the protest. You did not state how many samples of mineral ores have been forwarded to you by the Register and Receiver to this office of yours that were in place when taken out from Tunnel No. 3, and was introduced in evidence by me and my witnesses at the hearing of the protest.

You did not state how many samples of mineral ores have been forwarded to you by the Register and Receiver to this office of yours, that were in place when taken out from the Shaft No. 4, known as the apex of the Greenhorn Claim, and the same was introduced in evidence by me and my witnesses, Mr. Lea White and Mr. Thomas Roots at the hearing of the protest. You did not state in your letter how many samples of mineral ores have been forwarded to you by the Register and Receiver to this office of yours, that which were taken out from the Napoleon mine, and the same were introduced in evidence by me at the hearing of the protest June 6th, 1912, Spokane, Wash. You did not state in your leter how many applications of location notices of quartz mineral claims and how many applications of labor proofs, that have been forwarded to you by the Register and Receiver to this sole ownership office of yours, that were introduced in evidence by me at the hearing of the protest against the Homestead proof of John S. Metzgar, June 6th, 1912, Sopkane, Wash. In your letter that I have received from you dated January 31st, 1913, you did not state how many samples of rock and assays that were

forwarded to you by the Register and Receiver to this office of yours was taken out from what tunnels or Shaft No. 4 by Metzgar and his witnesses, Mr. C. C. Gay and Mr. James Regan from the Greenhorn claim and introduced in evidence at the hearing of the protest.

I, J. T. Melich, demand an answer and a statement of the whole full total aggregate amount of everything above stated or mentioned in this letter. I, J. T. Melich, have no receipt to show that you are in possesion of al my valuables that are mentioned in this leter. I have nothing to show that I could reclaim them with, therefore I demand a receipt. I cannot afford and I will not trust any of Jesus Christ impotent mob redeemer, your Hebrew mad man, the King of the Slaves, with all of the valuable things mentioned here in this letter without a receipt. I demand one, and if the cap fits you, wear it. It is rumored all around in this whole country that John S. Metzgar gave the Commissioners $50.00 (fifty dollars) for the privilege right to apeal this decision rendered in my favor by the Register and Receiver Land Office, Spokane, Wash., to the General Commissioners Land Office, Washington, D. C. for no other purpose only to do the miracles in changing the formation of the land on the Greenhorn Claim from the character of mineral ore to the character of non-mineral just as they see fit to which ever one is the highest bidder, that can give up the most money.

Say, Commisioners, I am about all in and I am up against the real thing, let me know if I am in it with you on that $50.00 (fifty dollars) that Metzgar gave you for the purpose of changing the formation of the land on the Greenhorn Claim from the character of mineral to the character of non-mineral. If I am not in it with you on that $50.00, I will squeal on you. If you wil not whack up and divide with me I will squeal it all out to every one in this arid land of steel and stone.

(Signed) JOHN T. MELICH.

(In Reply please refer to Spokane03838 "N" JPB).

Department of the Interior

General Land Office, Washington, January 31, 1913.

Information.

Mr. John T. Melich, Boyds, Washington.

Sir: Referring to my letter of January 10, 1913, in the case of your mineral contest against the homestead entry Spokane 03838, of John S. Metzgar, filed April 15, 1905, which is now in this office on appeal by Metzgar from the decision of the local officers of August 27, 1912, holding that the land embraced in said homestead entry insofar as said entry conflict with your Greenhorn Mining claim was mineral in character, I have to advise that the samples of ore offered at the hearing by you and your witnesses have been forwarded by the register and receiver to this office and will be taken into consideration when the record in the case is examined.

Very respectfully,

S. V. PROUDFIT,

Assistant Commissioner.

1-29-13 ck

(In reference to Spokane, 03838, "N" J. P. B. 1 X W. He.
Department of the Interior, General U. S. Land Office, Washington, D. C., April 21st, 1913.

Sir: I wrote you a letter dated April 1st, 1913, stating that I must have a written statement from you or an itemized account, or best of all the full number of the samples of mineral ores and assays and notices of quartz mineral location applications and labor proofs applications, that I, J. T. Melich, and my witnesses have had introduced at the hearing of the protest 03858 June 6th, 1912, Spokane, Wash. Let me know if I have no right to know something about this matter above mentioned that you claimed in your letter, January 31st, 1913, that the above articles have been forwarded by the Register and Receiver to this office of yours. I have not received an answer yet from my letter dated April 1st, 1913. I demand an answer from you as you are compelling me to spend my valuable time, labor and money and forcing me to register my letters that I am writing to you, in order to prevent you from claiming that you did not receive the letters that I have been writing to you. Also preventing me from doing my assessment work on my mineral claims. And all of this trouble that you are making me you are also condemning the sale of part of my interest in my mining property by holding my property in a confused motion by your action proceedings and your process of law. Have I no right to resent and consider the great injury that you are doing me by not recognizing my side of the case in this matter of appeal from the start to finish? I demand that it is time that you should recognize my side of this appeal of my protest case and not spend all of your time in reframing and by trying to smooth maters over with the Register and Receiver of the Spokane Land Office with smokey substance that would soothe the privileged class, who have the power to take, but to keep who can. If dual fighting and combating with one another in the forcible struglle for existence has anything to do with the death to the weakling and wealth to the strong, for the law of self-preservation is in action which is the first law of nature, that commands every one of us to take care of ourselves upon the economic field under all kinds of dangerous conditions, no matter if you have to use a lead pipe or steal chickens to do it. We must do it, it is right that the people should get the direct results of the punishment of a lead pipe or of losing heir chickens, which only comes from the re-action of their acts, in shaping and forming such conditions so as no one can live without using a lead pipe or by stealing chickens or by robbing or by being robbed. We have to obey the natural laws or we will be punished for violating them. As I, J. T. Melich, did not have money enough to hire a lawyer in all of my trouble in the matter of my protest and appeal cases, and as an Ameican born citizen, let me know if the constitution of this country gives me the right to depend upon myself absolutely to determine my own ends and decide my own plans in the matter of my protest and appeal case, that I have been putting so squarely, fairly and honestly before the Commissioners of this country. A man's first duty in this world is to

himself and his family, that his whole unit is composed of or formed of. He should not forget that when fighting for himself he is fighting for his family. I have at all times been resolutely on the watch-out of my defense against the authorities of all of those meddlesome dogs who are trying to impose their foul filthy and extremely dirty ideals upon my mining property and priavte public life. To these foe-men of authority, I will be as pitiless as the Gods. For ages who have been the destroyer of liberty by proclaiming that the individual existed for the Holy Church, not the Holy Church for the individual. Just so today the authorities of our divine mobolized Government are proclaiming and teaching the leson that the citizen exists for the Government, not the Government for the Citizen.

Say you destroyer of liberty, let me know if the constitution of this country gives me the right to defend myself in self-defense as best I know how without money enough to hire a lawyer in this matter of my protest and appeal case. If the constitution of the country gives me the right to defend myself in self-defense in this case, why is it that the Commissioners of the U. S. Land Office of this country are so violently refusing and declining to answer my letters that I have spent my valuable time in writing to those dog hounds who have been making matters in the hearing of the protest and the appeal case different than what they really are I have some very important evidence to send in to the Commissioners of Washington, D. C. that will go to prove that there has been a conspiracy going on in this protest and apepal case 03838. But I am not going to send the evidence in until I get an answer to my letter that I have sent to you dated April 1st, 1913. I proclaim that it is necessary for you to have this evidence before you take action on the appeal. Why is it that you do not answer my letter dated April 1st, 1913?

Oh, it is because I have not got the money
That makes them act so awful funny,
When I have got no money
It makes me talk so awfully funny.
Oh it is money, money, money everywhere.

(Signed) JOHN T. MELICH

Department of the Interior, U. S. Land Office, Spokane, Washington, May 31, 1913.
John T. Melich, Boyds, Washington.

Sir: In reference to your contest against the homestead entry of John S. Metzgar, involving a homestead entry and a mineral claim, you are advised that under date of May 27, 1913, the Assistant Commissioner of the General Land Office reversed the decision of the Spokane Office, contray to the Spokane Office, that the land involved is nonminneral in character.

Thirty (30) days from notice are allowed within which to appeal from his decision to the Secretary of the Interior; and upon

your failure to take action within the time specified the case will be reported for appropriate action.

A copy of the decision is inclosed.

Very respectfully,

HAL J. COLE, Register.

L. B. NASH, Receiver.

(In reply please refer to Spokane 03838 "N" JPB 1x 2x.)
Department of the Interior, General Land Office, Washington, D. C., May 27, 1913.

John T. Melich vs. John S. Metzgar.

Reversing register and reciver Land found nonmineral.
Register and Receiver, Spokane, Washington.

Sirs: April 17, 1905, John S. Metzgar made homestead entry No. 648 (03838), on which final proof was submitted September, 7, 1911.

October 6, 1911, John T. Melich filed a protest alleging himself to be the owner of the Greenhorn lode claim, located on the land embraced in the homestead entry; that $400 worth of work had nen done on said Grenhorn lode, and that there was a vein or lode of valuable ore on the claim.

You ordered a hearing on the protest, setting December 7, 1911 as the date thereof.

November 17, 1911, Melich and Metzgar entered into a stipulation whereby the former agred to withdraw his protest in return for which the homesteader was to allow him the mining privileges of the Greenhorn mining claim. November 30, 1911, Melich wrote to your office withdrawing his protest upon the grounds stated in the stipulation.

January 31, 1912, this office held that in view of the facts disclosed by the record, it was improper to allow final certificate to the homestead entryman and refused to alow the protest to be withdrawn. You were, accordingly, directed to set a new date for the hearing. This you did, the hearing taking place, June 6, 1912, before your office.

August 27, 1912, you rendered a decision as follows:

"We are of the opinion, from the evidence in the case, that the land embraced in the homestead entry of John S. Metzgar, and in conflict with the Greenhorn quartz claim, is chiefly valuable for its mineral deposits and is not subject to appropriation under the homestead laws.

We, therefore, recommend that H. E. 648 C. S., serial No. 03838 made April 17, 1905, for the NE¼ NE¼, Sec. 31 and SW¼ NW¼ and N½ NW¼, Sec. 32, T. 38 N., R. 37 E., W. M., and upon which final proof was made September 7, 1911, be cancelled as to that part in conflict with said Greenhorn mining claim.

October 24, 1912, you forwarded the record to this office with an appeal by Metzgar, the homestead entryman, filed in due season.

January 17, 1913, you transmitted the samples offered by Melich and his witnesses to be put with the record.

The testimony wil now be considered. John T. Melich, protest-

ant, says he located the Greenhorn claim in 1909, while Metzgar was residing on his homestead; did $100 worth of work in July, 1909, and did assessment work in 1910, part of which was in the construction of a wagon road; while so engaged, he discovered cropping of a lead he had been seeking for a year; claims there is 2 feet of "solid melted mineral" between wall-defined wals; traced vein from the surface 100 feet westerly from apex; discovered four veins; produced Samples of rock taken from the claim; has another location, the Greenhorn No. 2, located in September, 1911. on the land in Metzgar's homestead; been engaged in mining work eight or nine years; assays made of ore taken from the Greenhorn tunnel show values of $4.80 and $2.90 per ton, principally in gold; the lead on the Greenhorn is easily visible; thinks his ore is better than that obtained in the Napoleon lode, three miles to the southeast; believes no prospector would ever quit working on his ground; it would not cost more than $1.00 per ton to treat his ore; ore of the same character as his goes through the Granby Smelter daily, some of which does not go over $2.50 per ton; thinks in the near future almost any kind of $1.00 ore can be worked at a profit; not over four acres of the land in his two claims can be plowed.

Ley White, a rancher, produced rocks taken from the tunnel on the Grenhorn; testified that he could not tell whether they contained valuable mineral; does not think land covered by Grenhorn and Greenhorn No. 2 claims fit for agriculture, as it is all hillside.

Thomas Roots, homesteader, says Melich tunnel is 30 or 40 feet in length; ground in the mining claim naturally rough; some few acres might be cultivated; offered samples taken from the tunnel; he is not familiar with minerals.

John S. Metzgar, homestead entryman, testified that Melich's mining claims, the Greenhorn and Greenhorn No. 2 occupy half an acre in Sec. 32 and 22 or 23 acres in Sec. 31; theye were located in 1909 and 1911; the land embraced in the claims is wel covered with bunch grass; a few acres, possibly four, are tillable; there is no lode or deposit of mineral in the tunnel, nor art there any deposits of mineral in any of the workings or prospect holes; he, himselt has spent about seven years working in mines; ore like that taken from tunnel by protestants witness, Root, would be thrown on the waste dump at the Napoleon mine; a great many prospects were located within three or four miles of his homestead; they have been abandoned; told of his stipulation with Melich; did not believe there was any mineral; the country rock is materialized but is not valuable for mineral.

James Regan took samples for Mr. Metzgar in the Greenhorn tunnel, knocking off pieces every 2 or 3 feet or so and expressed them to the assayer's office. C. C. Gay, who lived near Metzgar's homestead has had mining expeirence, examined Melich's mining claims says you can find rock similar to that found on Melich's claims almost anywhere in the county; did not see anything he could call a ledge; found what looked like mineralized rock, samples of which he

produced; when assayed, they showed nothing but a trace of copper; would not consider prospects there enough to warant a prudent man in expending time and money in the hope of developing a paying mine.

Samples taken by Metzgar's witnesses from the Greenhorn mining claim were introduced; also an assay certificate, showing only a trace of copper obtained from samples submitted by him to the assayer.

From the evidence adduced, the land in contest is not shown to have any present or prospective value for mineral. Your decision is, accordingly reversed, and the land held to be nonmineral in character, subject to the right of appeal to the Department. Notify the parties hereof and at the proper time report with evidence of service.

Two copies hereof enclosed for service.

Very respectfully,

(No Signature.

Assistant Commissioner.

(Inreference to Spokane 03838 "N" J. P. B. 1x 2x.)

Boyds, Ferry Co., Washington. June 16, 1913.

Secretary of the Interior, Washington, D. C.

Sir: On June 12, 1913, I received a letter from Hal J. Cole, Register; L. B. Nash, Receiver, of the U. S. Land Office of Spokane, Wash., dated May 31, 1913, stating you are advised under date of May 27, 1913, the Assistant Commissioners of the General Land Office reversed the deceision of the Spokane Office, that the land involved is non-mineral in character, and that I am only given thirty days from date to take action. I have informed the Commissioners long ago that I only get to town off of this mountain once or twice a month for my mail, and they have all been well aware of that long ago, and furthermore, I wanted it clearly and distinctly understood that I will not have any more dealings or negotiations under no consideration whatever with Hal J. Cole, Register, and Mr. L. B. Hash, Receiver of the U. S. Land Office, Spokane, Wash. A copy of thedecision was enclosed under date of May 27, 1913, in the letter I received above mentioned, and it is not signed by any one. Now, I would like to know if a copy of any kind like that is not signed by anyone is legal in law. The fact of the whole matter is that the Commissioners have been doing too much dirty foul work in this case; by reframing the evidence that was given in at the hearing of the protest on June 6, 1912. They have overdone it and it is beginning to leak out through the cracks of their loop holes. This is the fact of the whole thing; that is why they are afraid to put their own names on any more of their own writing. And that is why the copy of the decision is not signed by anyone. To prove this above statement to be a fact, I will only take a small part of the reframed evidence stated in the decision on sheet 3, stating "The testimony will now be considered. John T. Melich believes no prospector would ever quit working on his grounds." I did not give any evidence like that at

the hearing of the protest and it proves itself to be an infernal falsehood of a lie. I have never been in the habit of using the word "believe" in such sense of the word as that. Now, I did a great deal of speaking and writing to a great number of people in this country that I was born in, and I dare you to get me one person that can prove that I have ever used that word "believe" above mentioned in any of my speakings or writings in such a sense as it is put in the above evidence mentioned. Habits that it has taken me years and years to shape and form will linger with me until death, and my habits will haunt me to my grave. And I always have my habits with me, and I frequently resort to them, just as the sun has the habit of appearing every morning, or in other words the revolution of this nutshell that I am standing on has the habit of bringing my appearance to that Sun every morning. No one but a made man would use that word "believe" in such a mode and manner of writing such evidence as above mentioned. And whoever wrote it should be castrated and locked up in the Insane Asylum. This is self-evidence that it is fictitious evidence of the hearing of the protest June 6, 1912. The same thing may be said about the evidence in the decision, that it has been reframed since the hearing of the protest and that there was no such evidence as what is in the decision given in at the hearing of the protest on June 6, 1912, Spokane, Wash. It is all nothing more than fictitious evidence composed of smokey substance and that is all there is to it.

All of the letters that I have received from the Commissioners with their name signed to them that I have in my possesion contradict themselves from start to finish. It is all the same as B. S., or in other words they are all the same as Bible Stories. They have overdone the matter that it is beginning to look like an over-loaded slop bucket that has never yet been emtied and that is why the slop bucket is running over, and that is why the Commissioners are afraid to sign their own name to any more of their writings to me. How do you expect me to take further action in this matter when there is such dirty work going on against me. The hearing of the evidence of any case should not contradict itself. There are no true two sides to any question. Here is something that you should investigate with a careful examination. What became of the two following letter? I wrote a letter to the Commissioners of Washington, D. C., dated April 1, 1913, stating to them clearly that I wanted a full account of my valuables consisting of filings of notices of mineral applications, contract filings of mineral labor proofs, applications and other valuables of consideration that the Commissioners are in possession of, but got no answer yet from the letter above mentioned. And another registered letter No. 278, P. O., Boyds, Wash.. received for registration April 21, 1913, from J. T. Melich, addresed to the Commisioners of the U. S. Land Office, Washington, D. C. First class postage prepaid, Post Master per E. Alexander. I did demand a receipt on this registered letter, but did not receive the receipt yet, and no answer to the letter above mentioned. I only wrote for an item of my valu-

ables that the commissioners have in their possesion. But they will not give me any account of them. This shows evidence that they will not ever be returned back to me again.

I have letters from the Commissioners in my possesion that will go to prove without a doubt that the Commissioners of the U. S. Land Offices of Spokane, Wash., and of Washington. D. C., that they have requested me to write to them. Now they even refuse to let me know if they have received the two letters above mentioned.

I wish that you would see to this matter. Under no consideration will I take any further action on this case until I receive an answer to all of my letters that I have written to the Commissioners of Washington, D. C., ever since April 1, 1913. I will not have this work undone that should have been done long ago, before I take any further action on this matter. Sure my side of this case should be allowed and granted the permit of that much acknowledgement. I only ask for a little recognition on my part of the case in this matter. Will you grant it to me and investigate this for me before I take any further action on this case. Also you will find a very true copy of the evidence that was given in at the hearing of the protest on June 6, 1912, Spokane, Wash., that you will give a little of your attention to, in regard of respect to the inspection. The copy consists of 43 sheets. After you have performed the necessary work that is required to be done on those 43 sheets, I want all of them returned back to me as soon as possible. As I have no other way of obtaining a true copy of the hearing of the protest, I will register this letter and the copy of the hearing of the protest inclosed to you, and I will prepay for the register of return of the 43 sheets as soon after the work has ben done as stated in the copy.

(Signed) JOHN T. MELICH.

What I, J. T. Melich, testified at the hearing of the protest in June 6th, 1912, was, that if every prospector in the world would be compelled to quit work on their prospect just because they did not have showing of the character of the mineral on their prospect that I have got on my prospect on the Greenhorn Mineral Claim, then there would be hardly one mine in operation in the world today. And then Metzgar would have to plow his little four acres of land out of every twenty-five acres of land, with a wooden plow. According to Metzgar's testimony at the hearing of the protest he said about "four acres of the land is about all of the land that he could plow out of every twenty-five acres of the land that Melich has got staked out into his mining claim on my land." The reason he said this is because the character of the land is self-evident. And no Commissioner will ever be able to plow more

than four acres of the land with his cowardly pen. As long as the world will stand it cannot be done just by changing my testimony above mentioned to the substance that they have written with their cowardy pen in the decision rendered against me. Stating the testimony will now be considered. J. T. Melich believes no prospector will ever quit working on his ground.

To show you how much sense those Commissioners have got, when they are in the act of reframing up evidence against me. Through their ignorance in not knowing the different meanings of the words "believe" and "think." This is the real cause that had its effect in making it simple and easy for me to prove by their own self-evidence that my testimony above stated has been re-framed up against me since the hearing of the protest. And I will take the framed up evidence that they have written with their cowardy pen in the decision that they did decide against me. And that the same proves itself to be false frameup against me by their own self-evidence. Which plainly shows that they did not have the sense of a goose, of a louse, of a common wingless parasite, insect devourer that creeps on the back of their own creatures, with their cowardly pen that was used in the writing of the frameup that decided against me in the decision show that they did not have the sense to write the word "think," instead of the word 'believe" in the decision that decided against me. Or in other words, it would have read like this: "The testimony will now be considered. J. T. Melich THINKS no prospector will ever quit working his ground." If the Commissioners, who ever they were, had used the word THINK instead of the word BELIEVE at the time when they were in the act of writing the re-framed evidence, would not have been self-evident that would show that the evidence had been re-framed since the hearing of the protest. Why? Because it would have been more complicated and harder for me to prove so as not to leave a shadow of doubt in the minds of the people of this grand nation. That the testimony given at the hearing of the protest June 6, 1912, had been changed since the hearing of the protest. But the Commissioner did not have sense enough to know that at the time they were writing the self-evidence with their cowardly pen that they have written this refram up in

the decision against me with. And therefore, it makes it very easy for me to prove the above stated evidence to be a fact. By simply making the evidence so clear, plain and explicit so as not to leave a shadow of a doubt in the minds of the jury. By simply proving the fact that all of my previous habits and in all of my writings and speaking to the people of this grand nation that I was born in proves that I have been in the habit of teaching the same doctrine that Ragnar Red-beard teaches in his book that everyone shauld read, entitled, "Might is Right."

He says in a verse:

"Cursed is he that believeth in good and evil,
For he is frightened by shadows.
Blessed is he who believeth in nothing,
Never shall it terrorize his mind."

All of my habits that I frequently resort to proves that all of my writing and speaking teaches this doctrine above stated, and also proves that the above testimony that was given at the hearing of the protest of June 6th, 1912, has been changed with the cowardly pen that they used in writing the frameup that did decide against me in the decision. For no other reason than for the purpose of slandering my character by scandalizing my good habits, reputation and name. That it has taken me years to shape and form my habits and it is a natural result that I frequently resort to them all the while they do linger with me until death, and they cannot be changed by any Commissioner through the power of belief and make it a settled fact with his cowardly pen that we must all believe it to be so, that settles it that it is so. I have more respect for a man that will come up and rob me with the point of a gun, for he grants me the privilege to defend myself. But a dirty, cowardly cur that will creep up to you without giving you a ghost of a show for your life, whenever he undertakes to rob you at the point of his cowardly pen.

(In reply please refer to Spokane 03838 "N" JPB 1 x 2 x.
Department of the Interior, General Land Office, Washington, July 1, 1913.

Mr. John T. Melich, Boyds, Washington.

Sir: In reply to your letter of June 16, 1913, you are advised that you should, **at once**, appeal to the Secretary of the Interior from

the decision of this office of May 27, 1913, in your contest case against John S. Metzgar, involving the latter's homestead entry, Spokane 03838, holding the land to be nonmineral in character, in case you feel that an injustice has been done you; or your rights in the premises will be foreclosed.

Very respectfully,

C. W. BRUCE,
Assistant Commissioner.

6-27-13 cw

(In reference to Spokane, 03838 "N" J. P. B 1x.)

Boyds, Ferry Co., Washington., July 21 1913.

Secretary of the Interior, General U. S. Land Office, Washington, D. C.

Sir: For an answer in return to your letter dated July 1, 1913, if I must say it, your letter is therefore very far from being a perfect and distinct answer to my registered letter No. B 32, P. O., Boyds, received for register June 16, 1913, from J. T. Melich, weight 6½ ounces, addressed to the Secretary of the Interior of Washington, D. C. Receipt desired. Postmaster per E. Alexander, also a copy of the hearing of the protest of June 6, 1912. Spokane, Wash, explaining all of the main detail substance that had transpired at the hearing of the protest, consisting of 43 sheets, was inclosed in the letter above mentioned and did not receive an answer yet in regards to the copy of 43 sheets dated April 15, 1913, that was enclosed in the letter above mentioned. I have demanded that the copy of 43 sheets must be returned to me, as soon after you have put your mark on all of the evidence stated in this copy of mine of 43 sheets, that is or is not stated in your record of the hearing of the protest and the same above statement is stated in the copy of 43 sheets. In your letter dated July 1, 1913, you have not mentioned one solitary word of what action you have taken on this copy of mine above mentioned. Whether you intend to keep this copy of mine or return the copy of 43 sheets back to me, is a question unanswered. Let me tell you right here that I have put in my hard labor and vauable time in accumalating all of the evidence stated in this copy of mine, ever since the time that I had first discovered that the evidence of the hearing of the protest of June 6, 1912, at Spokane, Wash., had been reframed. I had no other way of obtaining a true copy of the hearing of the protest. I want you to return the above copy of 43 sheets mentioned in the copy back to me. I have to have the copy back before I can take any further action in this matter. I have to have the copy back to base my matter on. By you not saying anything about the copy in your letter dated July 1, 1913, only gives evidence that you are al together constructing some kind of smokey framework against me. By the strong act of your action of restrain and refraining to let me know anything about my copy of 43 sheets and other valuable of consideration of mine that your Commisioners are in posesion of, in the decision rendered May 27, 1913, you have commanded me to appear with service in my appeal. How many different times have I got to tell you that I have no money to hire a lawyer. If this law

suit was not on my claims I would have had parties interested with money that would have spent their time, labor and money in the development of my mining claims, and who would have put the ore on the market. And I do not intend to approach these gentlemen with a law suit, or in other words, who is it that wants to buy a law suit that has been on my mining claims for very near two years now. As it has been, I can't do anything in the line of getting money on my mining claims from those parties that would be interested in my mining claims if this law suit was not on my mining claims. Therefore, I have no money to hire a lawyer that would have attended to this matter. I wrote you a letter dated April 1, 1913, but did not get an answer from the letter yet. I wrote you another registered letter dated April 21, 1913, and I demanded a receipt on this letter that I have never yet received an answer to the letter dated April 21, 1913, stating to let me know if the constitution of this country that I was born in gives me the right to defend myself in self-defense in this matter of protest and appeal cases without money enough to hire a lawyer to attend to this matter of my protest and appeal cases. But I did not get an answer yet from the above statement By you not claiming that you have received those letters and the copy of 43 sheets that are mentioned in this letter, this action of yours is forcing me to spend unnecessary time, labor and money by compelling me to do extra writing and forcing me to register my letter to you. This is getting time, labor and money from me under false pretenses through the mail and this above action gives me evidence that all of the Commisioners that have had anything to do with this matter of these cases of mine from start to finish. They have all been prejudiced against me. I have arrived at the conclusion that I might as well plead my case to a cast-iron statue of a human figure or an animal in marble or in bronze, I would receive just about as much acknowledgement or as much recognition as I have been so far receiving by those wolves dressed up in a sheep clothing, who think they know it all. They are the brother to the animals who think that we have reached the limit of progress and that there must be no change. When you have not yet so far recognized my truthful evidence, how do you expect me to recognize your fictitious evidence based on dictation when the constitution of this country that I was born in commands or demands a warrant guarantee that there must be given equal recognition on both sides of the case to every person, which has not been given to me in these cases of mine and the same shows evidence that you are all prejudiced against me in the matter of my cases. If this is not so why should your commissioners who have nothing to conceal, shrink from the fullest investigation in the matter of this case. Geese are not such fools as to choose foxes to rule over them and decide what should be right or wrong for them. Then why do you so urgently insits upon me to choose foxed minded men that are prejudiced against me to rule over me and decide that what should be right and what should be wrong for me in the matter of my protest and appeal cases. My assessment work for my five min-

eral claims comprising the Grenhorn Group of claims for the last two years has all been done on the Grenhorn Mineral Claim. My improvement on the Greenhorn Mineral Claim all told up to the present time amounts to about $1400.00 (fourteen hundred dollars) and my improvements on my five mining claims all told up to the present time amounts to over $4000.00 (four thousand dollars). On the 27th day of May in the proposed year of our Hebrew madman the Gawd the king of the slaves who for ages of centuries of 1913 has been the destroyer of liberties, I have been taught this from childhood up until the present time, and I have never yet learned anything different of him yet only that his mother was virgin and a man she never knew, his mamma age was just fourteen and the Holy Ghost had al he could do and that he was a Gawd and performed some great miracles. Something silimar to that of the Super-natural Creatures of the Commisioners have had performed at the above time mentioned without ever sending a U. S. Deputy Surveyor of Mineral Claims down here to examine the Greenhorn Mineral claim as to its formation and character of mineral. This was all that was needed to be done, which would have had settled the whole matter of this case long ago, and $50.00 (fifty dollars) should have been more than enough to pay for this little piece of work, which would be three times as much as any ordinary skilled laborer would get for the same amount of work and would have been a great deal less money than John S. Metzgar paid to the Commissioners and lawyers in this law suit. Now the question is, why is it that Metzgar did not send down a U. S. Deputy Surveyer that would have had inspected the Greenhorn Mineral Claim as to its formation and character of mineral, who would have stated the facts just as they are, as to the character of mineral on the Greenhorn Claim for less money than what Metzgar had paid out to the Commissioners and his lawyer that Mr. Hal J. Cole advised me to hire. Why is it that Metzgar did not send down an U. S. Deputy Surveyer who would have decided in his favor? That is if the character of the land on the Greenhorn Mineral Claim is non-mineral, as John S. Metzgar together with his lawyer and the Commissioners who all claim that it is non-mineral when Metzgar could have settled the whole matter of the case long ago right on the start for a great deal less money, not saying anything about the valuable time, labor and arilroad tickets expense and witneses fees. Why is it you all did not send the mineral expert who is especially qualified by the study and practice of this kind of work and who would have decided for less money in Metzgar's favor, that is if the land is non-mineral as the mobolized mob claim it is. Instead of doing the above mentioned, these creatures by the aid of their super-natural powers have done the miracle by the wonderful act that they have proposed to change the character of the land on the Greenhorn mineral claim from the formation of mineral to the formation of non-mineral. Just what I had told them they would do in my letter dated April 1, 1913. Now that they have done the great wonderful act, by the aid of their super-natureal powers, and the wonderful act in performing this splendid illustrious and glorious

miracle, by simply changing the formation on the Greenhorn Mineral Claim from mineral to non-mineral; it must be proposed by all of the people of this whole universe that the rugged mountain with the mass of melted ore right in between two well defined walls that measure over two and a half feet wide, right on the apex of the Green Mineral Claim, and this above mineral lead mentioned stands about 1200 feet higher than John S. Metzgar's house and Metzgar's house stands on a hill from lower ground of his. And now this rugged mountain above mentioned together with its timber, stone and marble by the act of their marvelous miracle that it is now proposed to have all disappeared off of the face of the Earth, so as that the mineral lead of ore on the apex of the mountain of the Greenhorn Claim is invisible to any finite mind. By their wonderful act this mountain now is proposed by these creatures to be hewn down until it has leveled up the valley's level with hills and higher ground. And now it is proposed by these creatures of Commissioners that they have wonderfully made a splendid piece of rich tillable cultivating piece of land without a proposed stone on it. Out of this rugged mountain above mentioned. Oh, but it must be proposed by everyone that it is a marvelous act to perform such a great miracle which is proposed to be done by these Supernatural creatures for money.

It is all the same that our Hebrew madman has done. They say he fed the hungry in a land of milk and honey. He only encouraged the lazy so as they did not get any money. He could not leave the dead alone, he even raised the dead. He breathed life into molded bones and did miracles instead. Isn't she a peach—a rotten peach? Oh, would that I had money enough to pay those wonderful creatures for the purpose of performing their very astonishing miracle again, or in other words, to do the miracle again, that is if they would only transform the formation on the Greenhorn Mineral claim back again to its natural state of formation, that wuold show up the same rugged mountain with its timber stone and with its hanging walls of marble cliffs also with its mineral lead of melted ore that measures two and a half feet wide right in between two well defined walls and stands right on the apex of the high mountain of the Greenhorn Mineral Claim, and by taking a (peak) from this lead of melted mineral ore with an observation of the eye, any person with an ordinary eye sight can see towns that are twenty miles away and by surveying the splendid views with the eye sight for miles all around the whole surrounding country for miles in a circle, anyone would arrive at the conclusion right away that the charcter of the views of the scenery of the lndscape is intensely interesting to look at. Oh, would that I had money enough to pay those creatures to perform the miracle again by the act of their wonderful super-natural powers.

Oh, say Commisioners, it would be so awful nice to see the rugged mountain changed back again to its natural state of formation again. I know that you creatures can do the miracle if I had money enough to pay you for doing it, for no one knows what a Hebrew Madman can do with those Super-natural Powers of theirs until he pays them for doing the miracle.

The decision rendered in my favor by Mr. Hal J. Cole, Register, and Mr. L. B. Nash, Receiver, August 27, 1912, of the U. S. Land office, Spokane, Washington, was done for no other purpose only to make Metzgar pay $50.00 for the privilege of making an appeal to the Commisioners of the U. S. Land Office of Waschington, D. C. and also getting the lawyers fees that Metzgar had engaged in his service to attend to the matter of this case, which I do not know how much it was, that he did pay to his attorney, Mr. N. D. Walling. This is the lawyer that Hal J. Cole appointed for me, and advises everyone to hire, especially in all matters of law that comes up before him in his office, which is the U. S. Land Office of Spokane, Washington. And this is the lawyer that Mr. Hal J. Cole has so urgently insisted by advising me to hire right before two witnesses and went so far as to command the lady stenographer to write me out his address on a little slip of paper that the address had taken up all of the room that was on the paper, address as folows: N. D. Walling, 309 Empire Bldg., Spokane, Wash. This is Hal J. Cole's particular beloved favorite lawyer; who is regarded by Hal J. Cole with kindness and preference to any other lawyer that anyone wished to hire. Mr. Hal J. Cole and his lawyer, Walling, together with all of the Commisioners that have anything to do with the matters of this protest and appeal cases, as all of the evidence so far clearly and distinctly shows, so that it has now become a fact that they all solemnly agreed that they would render the first decision of this protest case to John T. Melich and the same was done on August 27, 1912. Then we can work John S. Metzgar out of some money which has been done for the privilege of letting him make an appeal for the money paid with the understanding of this mobolized mob that they would reframe the evidence of the hearing of the protest of June 6, 1912, Spokane, Washington and in such a fashion of mode and manner that would render the next decision of Metzgar's appeal to the commissioners of the U. S. General Land Office of Washington, D. C. to Metzgar. Now that this above decision was rendered to Metzgar, May 27, 1913, for the money that he had paid for having it completely accomplished and by reframing of the evidence that was given at the hearing of the protest on June 6, 1912, Spokane, Wash. It was agreed to by the whole above mentioned mobolized mob above mentioned. They all agreed that it was necessary that it should be done for the simple reason so as the records in the U. S. Land Office of Washington, D. C., will plainly show that I had no case in the hearing of the protest. Why is it that the commisioners of Washington are all so earnestly and eagerly insisting upon me that I should at once make an appeal to the Secretary of the Interior? Why is it that the secretary of the interior is so boldy refusing and declining to put his mark on all of the evidence stated in the copy of forty-three sheets. that had transpired at the hearing of the protest of June 6, 1912. That is or is not stated in the evidence that he has on his record of the hearing of the protest. Why is it that the secretary of the Interior so fiercely and ferociously declines to let me know anything about the records of the hearing of the protest of June 6, 1912? Why is it

that the secretary of the Interior is so villiany and refuses to let me know anything about my copy of the hearing of the protest of forty three sheets as stated in this letter? Why is it that the secretary of the Interior does not claim that he did receive any copy of forty-three sheets?

This only gives evidence that the secretary of the Interior is prejudiced against me and this is the gentleman that you all are urgently impressing the stamp upon my mind that I should at once appeal my case to the gentlemen above mentioned.

There was a time a short while back when I did think that when the Democrats got into power that there would be a little justice given to me, in the matter of my protest and appeal cases and I did make some remarks to outside parties in regard to these cases, by me saying to them that I thought when the Democrats take the republican chair the democrats would not want anything better than to investigate these protest and appeal cases of mine, which would of given the republicans their just dues by ousting them out of their office for their dirty, filthy work that they have been doing in the above cases, as they have been described, but I cannot see a particle of difference in my cases since the democrats went into office and I justly or honestly think that it will be the same thing when the Socialist party get into office only that there will be two distinct different sets of government, that will be antagonized and opposed to one another one set of govenment will be made up of law making who will tell the industrial administration how it should be done by man made lawes. Or in other words, to make it more plainer, any working man of an expert and who is specially qualified by the practice of continuously using the square to all kinds of different work and who must be fair and honest in evening up and adjusting so that there is no balance left which will show plain that his work is exactly suitable and true in all of his actions of his workings.

Such a gentleman does not need any socialist political actor who never saw a square that he could read to make laws that will tell the gentlemen with the square how everything should be squared up by his man made laws. The same thing may be said about the gentleman with the level. He knows enough how to keep everything leveled up, he does not need a political actor who never saw a level to make laws that would tell him how it should be done by his man made laws and all of the above same thing may be said about the gentleman with the plumb—he knows enough how to kep everything balanced up and how to adjust everything to a plumb line, he does not need a political actor that has never seen a plumb to make laws that would tell him how it should be done by his man made artificial statued laws. This is the end of the letter.

(Signed) JOHN T. MELICH.

P. S. But I think to add a little more to the above statement that I did not think of putting in the above letter described, until after the letter was securely sealed, that I should of put in. Or in other

words, in order to give a little more light on the above illustration, in the letter and I do hope with the expctation of this littl spark of ligh in the very near future that there will proceed thunder that will purify and will exterminate the unfit barbarism of political action off of the face of the earth. What does the industrial workers of the world need a set of tax gathers for anyhow, who produce nothing but consume three-fifths of the riches that labor produces and all we get back in return is man made artificial statue laws which is nothing more than simply mere mockery. There never yet was a statesman at his best that caught and preserved the inter musical charms of all that is in natures beauty in everything and all things, the living, the breathing, the actions and re-actions of universal laws that we should obey and be in harmony with before ever we will be able to produce the melodous tones of peace, friendship and which can only be gotten by fighting in the struggle for existence.

Put no trust in princes is a saying old and true
Put no hope in governments translated it anew.
All books of laws and golden rules are fashioned to betray
The survival of the strongest is the gospel of today.—Redbeard.

Might is right is a book that everyone should read, price 50 cents Sold by Thurland & Thurland, Evanston, Chicago, Ill.

About ten years ago, in Spokane, Washington, Iput a question before a great Socialist speaker at a Convention held in that city and who was running for a Judge at that time. Now mind you, if he got elected to the office right there and then he would be compelled to point out to the people or to declare to them what is just and lawful to them. Therefore, he must compare facts before he is able to determine the truth in order that he may be able to form or pass an opinion in answering any question that would distinguish right from wrong. He must be able to decide to give the right answer to any question before he should be allowed to pass sentence on any question.

Here is the question that I put to him to answer:

"If it is necessary that the Industrial Workers of the World has got to have political actors to transact their business of the World, would it not be much better to hire them instead of electing them and thereby save all the time, labor and money that is wasted on every election in electing the political actors into the palaver houses and put them under competition the same as every other man who works and give the person the job that would give the best service for the least money and the minute that you can get a person that would give bet-

ter service for their money fire him and give the other fellow the job. If such was or ever had been or ever should become such existing conditions upon the economic field it would not be long until you would see that time would bring such a change that someone would be willing to do the President's work for $1000.00 per year. Again it would not be long before someone would be willing to do it for the honor of the position and again it would not be long before someone would say "See here, you have got to fight a duel with me before I will let you do the President's work for the honor. Let the best man win the office."

The politician that I put this question to answered by saying: "Who would do the hiring?" "Well, I said, if I can't hire you, I will vote for you." A short time ago, I put the same question before another Socialist politician who was running for a high office. After he got through speaking his socialism to large audiences in Spokane, Washington, I put the question above mentioned to him and how do you think he answered it? His answer was this: "I will let you answer that question by fighting the duel." I wanted to tell that if such should ever be the existing condition, I would assure you that I would put a bid in the ring of the economic field, what I would do the President's work for, but I could not get this answer in language that he put to me to answer as a question.

I say let the Industrial Workers of the World make their own laws right in their own Union and when they will all come and act together they will undertsand the actions of all the different fundamental principles of the rudiment of the elements that exist and they will know best how they should be treated in the application of remedies of natural laws that they come in contact with one another that would give the best results to all. And they will know enough to operate their industrialism on the lines of least resistance, based upon rules and regulations of universal laws. My opinion is that the administration of industrialism is social ownership only as far as material interest extends itself to whom ever it may concern to have an interest in the business in the industry that he is employed in and gives his steady attention in the business that concerns him the most.

Now if we are going to put a bridge across a large swift

current of a running stream of water, the building of this bridge becomes the business of every person. That is as far as every persons material interest extends itself to, whom ever it may concern to have the bridge built across the river or running stream of water. Now if they would all split up into 117 different craft unions with 117 different sets of officers, all drawing a salary from $5 to $25 a day for no other purpose only to keep the workers split, so as they will all fight one another instead of all working and fighting together in one big union in order to be in a position to build the bridge or otherwise the bridge cannot and will not ever be biult as long as the workers are split up into 117 different craft unions for the purpose of fighting one another. They are not organized right to bulid the bridge across the river—they are not organized right so they can fight right because they are not in a position so as they can do something and they can not do anything and these 117 different craft unions have got it yet to learn. Now then if every person whose business it is to have a bridge that is as far as their material interest extends itself to whomsoever it may concern to build the bridge across the river, would get in one big union and all work together and all fight together with the motto that an injury to one is an injury to all, the energy wasted by the force of power and the spirit that is exerted through the method of fighting one another would more than pay for the labor that it would take to build the bridge across the above stream or river mentioned.

Craft unions were built up on the hand tools, the hand tools have ceased to exist, they have outlived themselves, the craft unions they have fulfilled their mission, they are no longer fit for the present enviornment surrounding conditions under which we now live. The trade unions cannot serve the working class today. They are unions that are kept up for the purpose of not being in the interest of the workers who support them, in the interest of the unfit ruling class who exploit the workers who support them and therefore the trade unions are exceedingly very useful to the unfit ruling class. They are the foes and not the friends of the working class. Let all of the workers get into one big union and then they will be in a position to fight the exploiting unfit ruling class with some chance of success of winning the fight. Let the best class of

men win in the struggle between the exploiting ruling class and the exploiting wage slave workers and that this class struggle will not end until the unfit ruling class shall be righteously exterminated and the wage slave system wiped out, then only will there be an end to the exploition unfit class rule. This cannot be done until all workers will boycot and combine together in one big union and not have any more dealings with the old unfit trade unions.

The wage slave workers have an overwhelming majority —they out-number the exploiting class—they should have the power and they would have the power if only they would become conscious of their material interest of the wage slave class struggle. Every effort that is made by the labor fakers in the trade union and who are controled and influenced by the power of authority of the exploiting unfit ruling class to prevent the wage slave working man from seeking the class struggle, the labor fakers or a great number of the labor leaders who are holding office in the trade unions agree with the exploiting unfit ruling class that there is no such struggle as a wage slave class struggle .The editors in the employ of the unfit daily liars agree with the ruling class and echo no class struggle in the morning and evening daily liars—all of them are supported by the exploiting unfit ruling class—the teachers, the professors and the ministers are all supported as above mentioned and they all agree with the exploiting class that there is no class and all echoes a mighty voice that there is no class—that there is no class struggle and fearlessly object to class struggle agitation and at the same time seek to establish class rule by the exploiting unfit ruling class. The Industrial Workers insist that there is a wage slave class struggle for existence and that it is every wage slaves material interest in this whole wide world to whomsoever it may concern to join the class struggle that the wage slave workers must recognize it that they must organize upon the economic field upon the basis of that struggle and that union then and there only will be in a position that gives us the power to righteously exterminate the exploiting unfit ruling class, which the laws of nature demand of every wage slave working man to be accomplished. We must obey the laws of nature or we will be punished with the consequences that follows from the results of

the exploiting unfit ruling class struggle upon the economic field. The craft unions with 117 different sets of officers that are supported with their salaries which amount to almost a half million dollars a year are not in a position to accomplish that which the laws of nature demand of them to be accomplished, either by hook or crook. Who is it that is so violently opposed to the Industrial Workers? Sure, it is not the common herd of wage workers—it is their labor fakers who are holding office of the trade unions and why are they so fiercely opposed to one big union. It is for the simple reason that when the wage slave workers are really united with one big union, a great number of the labor fakers who are holding offices in the trade unions and leading the herd astray will be out of an office job in their unions. Therefore they dare not have the courage to venture to teach to every wage slave working man in the herd that it is a certain true undeniable settled fact without a shadow of doubt, that it is to every wage slave working man's own material interest as far as their material interest extends itself clear around the whole brilliant world, whomsoever it may concern to get in one big union, strong to prepare to final fight, to conquer and take by hook or crook, the whole sweet cake. To get our right, use power, for might is right. Organize right and then we will have the might to fight right.

Los Angeles, Cal., 442 S. Los Angeles, St.,
March 9th, 1915.

B. H. Williams, Treasurer of Solidarity,
112 Hamilton Avenue, Cleveland, Ohio.

Your letter dated Feb. 19, 1915, I received. In reply thereto I received the return of my money from you in the form of a check for $150 and also the return of the writings of my book entitled, "The Troubles of a Prospector."

I am well pleased with the work you have donated to me with the exception of two letters that I cannot find. One dated Sept. 6, 1911. I do not care so much for this one above mentioned. But there is one letter dated either August 13 or 15, 1913, that I have got to have. It is numbered on the back No. 255. See if you can find it, and also the letter that I was going to send to the President.

If I could remember all of the statements that are stated in that letter dated August 13 or 15, 1913, I would not care

so much about it. But I can not remember but very little of the statements in the letter. Also, let me know how you are geting along with the writing of the book that you said you were condensing. Let me have a reply as soon as you get this.

Yours for industrial freedom,

(Signed) J. T. MELICH.

112 Hamilton Avenue,

Cleveland, Ohio, U. S. A., March 19, 1915.

John T. Melich,

442 S. Los Angeles St., Los Angeles, Calif.

Fellow Worker: Yours of the 9th inst. received a few days ago. My day for letter writing is Friday, so I couldn't get to an answer before today. I was not aware that any of your mss. was missing, except a sheet or two of the concluding part, which I was unable to find. I knew there was a sheet or two missing there, but as I remembered it, thought it was the windup of your argument, and could probably be replaced without much difficulty. I cannot find anything here, and can't account for its loss, unless it happened when the mss. was in Chicago, having the parts copied which I sent along to you with the rest. I took good care of the mss. around here, and don't see how it could have been misplaced. I am afraid that you will somehow have to do without it, or try to replace it yourslef. Look over the mss. again carefully, and see if it got twisted out of its place somehow. If I should happen to find it here, in cleaning up among my papers, will of course forward same to you.

Copy of the part I have condensed for you will be sent in the near future. If your should change address, keep me informed as to your whereabouts. Am rather preoccupied with other work just at present, but won't forget you.

Yours with best wishes,

B. H. WILLIAMS.

Letter parcel No. 44. P. O. Boyds, Washington.
Received for registration August 15, 1913.
From John Melich.
Addressed to Secretary of Interior, Washington, D. C.
Receipt desired. First-class postage prepaid.

Postmaster, per E. Alexander

This is a duplicate copy, as near as I could remember the

wording of the letter above mentioned which was lost.

Boyds, Ferry Co., Wash., Aug. 15th, 1913.

Secretary of the Interior,

U. S. Land Office of Washington, D. C.

In reference to Spokane, 03838 "N." J. P. B. 1x.

Sir: I wrote you a letter, dated April 1st, 1913. Clearly and plainly stating that I must have a written statement from you or an itemized account, or best of all, the full number of the samples of mineral ores and assays. And I want you to take special notice that the notices of my quartz mineral locations applications and my labor, proofs of application of my filings, that I, J. T. Melich, did introduce in evidence at the hearing of the protest 03838, June 6th, 1912, Spokane, Washington. Let me tell you right here that I did not want to leave the above application and stipulation of a contract that Mr. Metzgar agreed to give me all of the mineral that is in under the ground of the "Greenhorn Claim," with Hal J. Cole, Register of Spokane, U. S. Land Office. But Hal J. Cole requested me to leave the above application and contract mentioned, with the evidence, with the agreement that he guaranteed the above application and stipulation would all be returned back to me as soon as the decision was rendered. And the same has not been done. Let me know if I have no right to know something about this matter above stated. That you claim in your letter of Jan. 31, 1913, that the above matter has all been forwarded and received at this office of yours.

In the copy of the decision rendered against me, dated May 27, 1913. Stating that the testimony will now be considered. There is a statement that John S. Metzgar testified to that the Greenhorn and Greenhorn No. 2 occupy half an acre of land in Section 32 and twenty-two or twenty-three acres of land in Section 31. This kind of testimony only gives evidence that the hearing of the testimony of the protest on June 6th, 1912, has been re-framed since the hearing of the testimony on June 6th, 1912. On that day John Metzgar swore that I, J. T. Melich, had twenty-five acres of land staked out in my mineral claim on his Homestead. And the same testimony is in the stipulation or the contract he gave or granting me all of the mineral that is under the ground on my mining claim. And Metzgar also testified at the hearing on

June 6, 1912, that I, J. T. Melich, had 2½ acres of land staked out on his land of Section 32.

Isn't it wonderful how they can switch the testimony from one tract to another until no one knows what tract of the land the testimony was given on. And again on this same same sheet of paper No. 4 in the decision above stated Metzgar testified that the land embraced in Melich claims is well covered with bunch grass. Such testimony as this is false self evidence right on the face of it and which only gives self evidence right on the face of it that the hanging walls of the marble cliffs on the Greenhorn mineral claim is not well covered with bunch grass and any one who says it is is testifying to an infernal falsehood, self-evident lie right on the face of it, and no one but a darned fool of a mad-man or a cowardly creeping point of a pen-man could possibly think that the hanging walls of the marble cliffs on the Greenhorn Claim is well covered with bunch-grass.

What do you think of your so-called Honorable Commissioner of Washington, D. C., rendering a decision against me based on such a cheap, piteous, paltry piece of false evidence as this? Stating that the marble cliffs of the Greenhorn quartz mineral claim is well covered with bunch-grass. The hanging walls of the marble cliffs are here to stay for all time to come, which will be as self evidence to anyone that wishes to inspect or examine them and they will easily see that the marble cliffs on the Greenhorn quartz mineral claim is not well covered with bunch grass.

I wrote you a letter dated June 16, 1913, and a copy of the hearing of the testimony of the protest June 6th, 1912, Spokane, Washington, explaining all of the main details substance that did transpire at the hearing of the protest. Consisting of forty-three sheets, was enclosed in the letter dated June 16, 1913, and I did not receive an answer yet in regard to the copy of forty-three sheets that I did write in the month of April and the same is dated April 15, 1913, that I did enclose in the above stated letter. I demand that the copy of forty-three sheets must be returned back to me, as soon after you have put your mark on all of the testimony stated in this copy of mine of forty-three sheets. That is, or is not stated in your testimony that you have in your records of the testimony

given in at the hearing of the protest. And the same above statements are stated in my copy of my writings of forty-three sheets that you are in possession of.

Let me tell you, right here, that I have no other way of obtaining a true copy of the true testimony that was given at the hearing of the protest, therefore I want you to return my above copy of forty-three sheets as is stated in the copy, right back to me. They don't belong to you. Let me tell you right here, that the copy of forty-three sheets belongs to me and not to you. So the best thing your Commissioner can do, is to return them all back to me, as I am seriously in need of my own writings of the testimony stated in my copy of forty-three sheets. Therefore, I have got to have the copy back before I can take any further action in this matter of appealing the case. I have got to get my copy back to base my matter on. If you intend to steal my copy of forty-three sheets from me and are not going to answer any more of my letters in regard to this matter let me know, and I will not spend any more of my valuable time in writing to you. Therefore, I will register this letter to you, so that you cannot say that you have not been receiving my mail.

(Signed) J. T. MELICH.

No answer yet to the letter above stated.

There is a mystery connected with this book. I have no doubt that the facts of it will all be made known some day in the future. Stating the facts, why, all the reading matter contained in this book up to the end of the above letter stated to be lost in this book why the book was not published in the month of October, 1913.

On the day of March 5, 1912, I sent to the Department of the Interior, General U. S. Land Office of Washington, D. C., all of the main details, substance of everything that did transpire as far as I had gone in the protest case that I did lay before the Commissioners of Washington, D. C. I did not hide anything from them. I wanted them to know everything that had transpired and all that was to transpire. Just as this book shows that to be a fact with the request that all of the above statements that I did send to them must be returned to me. And the same was done with all of the statements that were enclosed in a return letter that I received from the Commissioner

of Washington, D. C., dated April 3, 1912, stating the various correspondence which you transmited with your letter of March 5, 1912, is returned herewith as requested. This was done for the purpose of gaining my confidence, which was nothing more than a confidence game, played by confidence pen-men, of so-called honorable Commissioners of Washington, D. C. It was a draw-card to draw me on to their confidence game. By returning me all of the matter on the case as far as I had gone with the case, up to that date, stated in the letters and the same consisted of all the writings stated in the first part of this book.

After they had returned all of my writings of my book back to me, I began to think I could trust them with everything I had in my possession and therefore I began to think it was safe to leave the notices of my quartz mineral location application of my contract of agreement that Metzgar gave me, agreeing to give me all of the mineral that is in under the groud of my mining claim with Hal J. Cole, register of the U. S. Land office at Spokane, Washington, with the understanding that the above titles were to be returned to me and the same has not been done up to this date and therefore I begin to think that it would be perfectly safe for me to send to the Commissioners at Washington, D. C., my copy of the writing of the testimony that was given at the hearing of the protest, consisting of about 10,000 words written on forty-three sheets and should all have been published in this book of mine, and therefore the book will never be complete until I get all of the above writing of my book back to me. The same has never been done up to this date, April 27, 1915 and therefore the so-called honorable Commissioners of this County of America that I was born in, has stolen 10,000 words of my writings of my book entitled "The Troubles of a Prospector", which has, damaged the sale and value of my book to the full extent of which I wil never be able to get back the full value of the time, labor and money that I did put in the writing of this book that the commissioners of this country have compelled me to write this book, which shows up the inside secret workings of the Commissioners of this country that I was born in. Why not show them up in all of their different political departments from top to bottom. In order that

the times may bring such a change that the law of the survival of the fittest will snuff them out. And were it not for the want of courage, that the church has robbed us of in our childhood days by teaching us how to love and obey, which has made us so that we are too weak to live and too big of a coward to die. Cursed are the obedient for they shall breed creeplings that never could exist if it were not that they are being robbed by those creeping pen-men who made laws that have been written with a creeping, cowardly point of a pen. The bar made it a crime to rob and weed out the unfittest with the point of a gun before ever they could endeavor to attempt to rob us with their cowardly creeping points of their pens and man-made laws. But if it were so that we were living under a wild state of natural laws, existing conditions on the economic field so then it would not be a crime by those creeping cowardly pen-men made laws that command us to violate the law of the survival of the fittest. Which is the law that we should obey or we will be punshed with the direct results of disease for not weeding out the unfittest from the fittest with the point of a gun and not with a creeping cowardly point of a pen. It is natures plan to weed out man and test who are the strongest. I like to stick around as well as the next one that likes to stick around, but I think that it such conditions were favorable I would be wiling to give my life with the next one that would raise up his broad axe and with his broad axe, chop their worm-eaten skull wide open just for the betterment of our own race of creatures. They should never be allowed to have possession of the female. They should be weeded out just as the species of any other kind of useless and troublesome plant or tree that weed out their own species by the well able bodied strong trees reaching out with their long, hungry, roots and eating up all of the substances from the useless and troublesome little trees for the purpose that they may not be able to mature and have a full sized offspring. Why the animals in their wild nature state of life weed out their own species by fighting for the possession of the female in certain times of the year. The males begin to fight for the posession of the female which is the season of battle, in the season of love. And the strong either drive off or kill all the weaklings or cripples and the strong become the par-

ents of the next species which are a better species of their creatures. Otherwise they would inherit the direct result of disease which would only be the results that would degenerate them that would come from the re-action of thir own acts in violating the law of the survival of the fittest.

Why should not the human creatures do likewise? They should be weeded out in order that the weaklings and creeplings may not become the parents of the human creatures which would only mean degeneracy to their own kind of creature. Therefore they should never be allowed to run at large around among women, as long as women have not got sense enough to know that they should have a right to choose who shall be the father of their children.

Realizing the fact that John S. Metzgar will not be the rightful owner of the value of the land that he created by his labor, for no one can create a value without labor. Even after he gets his Warantee Deed isued to him from the political actions class that goes good for the value of his land, which he claims that he has created by selling his labor power as a wage slave worker to the highest bidder to the mine owner for the last eight years is just what he did testify to in this case and all along that time had spent his earnings above stated in living and improving the value of the land on his homestead. For, anyone holding a title or a deed to capital is no sign that the deed or title holding class are the rightful owners to capital. Who is the rightful owner of capitol? The Warrantee Deed giving class or the deed holding class? Who pays the taxes to the deed-giving political actionist class? Who makes the deeds? Are more of the rightful owners because the political actionist class receive all of the rent or the taxes for the valuation of the capital.

That is, if there is any truth in what James Regan has told me, who is a neighbor, and a witness for Mr. Metzgar in this case. The land on Mr. Regan's Homestead is similar land to Mr. Metzgar's land with the exception of the mineral lead of ore on the apex and the hanging walls of the marble cliffs that the U. S. Land Commissioner of this country, say are well covered bunch-grass on the Greenhorn claim. Mr. Regan told me that he is paying $54.00 a year taxes for the valuation of his land on his homestead that he has created by

his work in the last ten years in the grubbing out of stumps and stones, in trying to clear up six or seven acres of his land in order that it may be suitable for plowing on his homestead. There is no person in this whole wide world that Mr. Regan could rent his land to, on his homestead for $54.00 a year, for he only has about six or seven acres of land under cultivation, that he is paying $54.00 a year taxes on. Mr. Regan told me that he thought it was outrageous for the political actionist class to tax the homesteaders of Ferry County so high. So I told Mr. Regan that the political actionist class had this wild land in here and that they were not getting a cent of rent from this wild land of theirs, that the wild animals did have posession of it without holding titles to this land in Ferry County, Washington.

So the political actionist class did work up a scheme for the purpose of catching the people in their trap that they did set to trap the succor that stepped in to rent their wild land.

Right after the 1894 panic, the people were driven in here by the political class, to take up this wild land as a homestead right, which should have been left to the wild animals. I told Mr. Regan and some of his neighbors that the political actionist class made a bet with the homesteaders of 160 acres of land that they could not live on that land for five years. I said to Mr. Regan: "You have done it, you have won the bet of 160 acres of land. and the political actionist class gave you a deed to the value of your land that you did create by your labor for the last ten years on your homestead. They gave you a deed for the purpose of making you think that you own the land, so that you would be more prompt in paying rent. And every time you will pay your $54.00 per year to this political actionist class. All that they will give you is a guarantee that is good for the privilege of you working on the land of your homestead that you are living on for one year and when that year is up, if you do not pay your fifty-four dollars for another years taxes, they will not give you a guarantee that will be good for the privilege of working on their land of your homestead for another year. By giving you a deed, makes you think you own the land and this is what makes every one of you prompt in paying your taxes on the valuation of capital that the deed-holders class holds title to. It is a very cute

way that the political actionist class have got to get rent from the valuation of their land that the homesteader did create by working on their land of the homestead. There is hardly any place where the homesteader can go in this whole world today but what the political actionist class are right there to meet you with their big mit for the purpose of making you come through with rent or taxes or fines or whatever you may call it. Right at the minute you attempt to accomplish that which you desire to accomplish the thing which you have in view you will have to come through with the dough and if you don't you desire to have a thing or do a thing wil be considered by the political actionist class as conclusive evidence that you are not to have it or to do it.

One day I went to Orient, Ferry Co., Wash. There is a man in that town by the name of Mr. Doll, running a saloon. I went into his saloon and called for a glass of beer. He drew me out a little snip of a glass of beer and charged me 15 cents for the little snip of beer. I said to him: "Holy Spirits! See here, you must make a horrible big profit off of your beer, charging 15 cents for a little snip of beer like that!" He said, "No, I don't make anything out of that little snip of beer. I am just the agent of the political actionist class. I have to turn everything I make over to them. If you can show me where I can get steady work at $2.00 per day, I will walk right out from behind this bar and will give my saloon business up. Now if I were working for this man and he only gave me money enough for my work, that would only buy back less than one-fifth of the articles that I produced what good would it do for me to go on a strike for money enough to buy back the full value of the five-fifths of the articles that I produced when the deed giving class to capital who are the political actionist class who get three-fifths of the article that I produce which leaves their agencies only one-fifth of the article to settle all strikes with, and besides there is a great percent of this one-fifth of the above stated articles has got to go towards the wear and tear of machinery and toward improving the valuation of industry. Therefore the agency of the political class can not keep all the wheels of industry running when the political actionist class only allow the deed-dolding class one-fifth of all the articles to settle all the strikes with. The labor troubles can not be

settled by strikes even though the deed-holding class would give to the workers one-fifth of the articles that the deed-holding class are allowed to have from the deed-giving class. Why? Because it would destroy the deed-holding class and if there was no deed-holding class there would be no more deed-giving class then there would be no more political actionist class and then and then only, would labor get the full value of all the five-fifths of the articles that labor produces who is entitled to any part of them." When I went out of Mr. Doll's, I went out of there thinking. And I said to myself that I learned something that I did not know before. It did not take me long to arive at the fact that Mr. Doll was the only business man that I have ever met in my life that told me the truth when he said that the deed-holding class who holds titles to the valuation of all capital are nothing more than the agencies of the political actionist class. How many business men out of every million in this world will tell the truth and say that they are the agencies of the political actionist class and who are the deed-givers to the deed-holders and who pay their taxes to the deed givers. It makes no difference how large or how small the valuation of a man's busines may be that the political actionist class give them all a warantee deed that goes good for the full valuation of all the capital for the purpose of making the deed-holding class to capital think that they own their own business. This mode of thinking makes the deed-holding class more prompt in paying their taxes because they do not wish to lose that capital that they think they own. It makes no difference how small or how large your business may be, every time you pay your fine, rent or taxes to the political actionist class, all this deed-giving class gives them is a guarantee that goes good for the privilege of running their business another year and when this year is up, if they don't pay their taxes for another year, they don't get any guarantee that goes good for the privilege of running their business for another year.

Even all the labor fakirs that are out agitating on labor troubles in this world don't dare to tell the workers the truth, that the deed-holding class are agents of the political actionist class. They all utter a mighty voice in telling the workers that the deed-holding class only give them money enough for

their work that buys back less than on-fifth of the articles they produce. This statement is true. But when they have the gall to tell the workers that the deed-holding class who holds titles to the valuation of all capital, gets the other eighty per cent of all of the articles that the workers produce, is an infernal falsehood of a lie on the face of it. For we have the statistics to show that the workers get money enough for their work that will buy back less than onelfifth of their articles that the industral class produce. Again we have other statistics that show that the deed-holding class gets another one-fifth of the articles that the industrial class produce that goes toward improving of the valuation of industry that the deed-holding class hold a title to. Suchas the land, the mine, the factory, the railroad, the electric lines, the telegraph and the telephone. And the other three-fifths of the article that the industrial class produces goes to maintain everything that is connected with the political actionist class. Let me tell you labor fakirs, right here, that any time a business man will show a profit of eighty per cent on the valuation of any amount of capital invested on the actual valuation of any kind of business and I will show you that he is no business man. The only way to do business nowadays is to do business on the lines of least resistance. So as to make it unprofitable for anyone else to do business on his line of business. Save what other people waste and-then you will show no profit and if you do show no profit, no one will enter into the line of business that you will show no profit in the business and then you will have no competition. For all business goes where the profits are and all business stops where the profits stop. And any time a labor fakir of an agitator can show me where he can guarantee eight per cent profit on any amount of capital invested in the actual cost of any industry I will show him that the bigestbuilding in the town or city that he makes the statement in, will not hold all of the gold, silver and paper money that represents the value of labor. It would very soon be accumalated from all over this wide world for the purpose of being invested in the industry above stated, and they would put him up at the head of it.

In the year 1899, I was up in a little town called Snowqualima Falls, Washington, about fifty miles north of Seattle, Washington. There was one saloon in the place at that time

and the proprietor showed a big profit on his line of business and there was someone else up there with money, looking for a place to invest it whereever he could see a profit. It did not take him long to see that there was profit in the saloon business, so into it he goes and created another tax and took half of the other saloon-keeper's trade and profits away from him, who was the darned fool that showed him the big profits in the business. But still those two men showed a big profit in the saloon business and there was still another man with money that was looking for a place to invest it, where he could see a profit and it did not take him long to see that there was a prifit in the saloon business. So into it he goes, side by side with the other saloon-keeper's—all of them in the same block and created another tax and took one third of the trade and profits away from the other saloon-keeper's. And still those three saloon-keepers did not have sense enough to know that the business would never stop building as long as they showed a profit of eight per cent on their line or in other lines of business, was the reason that there was still another man who had some money to invest wherever he could see a profit of eight per cent on the money that he would invest and he went to work right away and bought a lot right across the street from the other three saloons, because he saw the profit in their business and built up another saloon and created another tax on his house and lot and another saloon license. Besides the light, water and expense of running four places instead of one. Right then and there their lines and all other lines of business stops, only because no one could guaantee eight per cent profit on their line of the saloon business. Right there and then is where the saloon buisness or any other business stops. If the first saloon keeper in Snowqualima, Washington had managed his business in the line of least resistance by saving what other people waste so that he would not show a profit of eight per cent on the amount of capital invested in his line of business, which would have made it unprofitable to anyone else to enter into his line of business, or any other line of business. No one would have started into the business any more than would have been a necessity to have business. Just as the Pos Office industry is run. If he had done this he would have saved the money that was invested in the saloon business and

in the other three lots and buildings and he would have saved the money he paid out every year in taxes and the three liquor licenses every year, not saying anything about saving the light, water and labor expended in running the other three places of business all in one block, with the exception of the one being across the street. Nevertheless, they all managed to get along nicely without showing a profit of eight per cent for about three or four years. Until all at once the shingle mill burned down in Snowqualma, Washington. The logging camps, the saw mill and the coal mine shut down and there was a kind of a panic in Snowqualima, Washington, in the year 1903 or 1904. There was a big howl of a rumor going around among the people stating that all business was overdone, and no one was making their expenses in their lines of business. One day I happened to drop into the oldest saloon in the town of Snowqualima, Washington, and I asked "How is business?" "Why", he said, "there is not one of us making our expenses." I said "good enough for you". He said "Why?" I said "Well, how much liquor license do you each pay here?" He said "We are all paying $500.00 a year for the privilege of selling liquor." "Well," I said, "Why don't you all get together in one building that stands on one lot, and sell all the liquor under one license, which would only be $500 and by so doing you would save the other three licenses which would be $1500 that you would have to divide up between four of you every year." He all at once jumped up off the floor into the air and said, "Why that is more money than all four of us put together is making right now in this business." I said "Besides you could save all of the money that you all have invested in the three buildings and lots and the taxes on the three buildings and lots that you have to pay every year to the political actionist class and besides you could all save the money that is invested in the lights, water and labor expenses in keeping the other three places running; after you all have done this, then you could keep your one place open twenty-four hours a day and night then each one out of the four of you would only have to work six hours out of every twenty-four hours and you would come in contact with all the different people in conversation that would keep you up to date on all the different topics of the day, while you are on your six hours shift, instead

of being in your place of business for sixteen hours every day and now you don't really come in contact with anyone that would make you realize the fact that your place of business is nothing more than a jail where you, being the prisoner, dare not leave your jail or your place of business only once every sixteen hours out of every twenty-four hours." After stating all of the above statements to the above saloon-keeper, he said "It all looks very nice, and if I had known it all that you tell me, when I first started in my line of business, I would have surely tried to have put the above stated propositions into action. But, P. T. Barnum said "the American likes to be fooled" and therefore the people are always looking for grafters and grafters can only exist among succors". Therefore, the people are more to blame than the deed-holding class are. If the people all do their dealings at the best place of business, it would not be long before some business man would arrive at the conclusion to run just such a place as the people want But, what is the use as long as the people boycott everything that is good and then support everything that is no good? Therefore, I do not blame this man much for being in the saloon business in Snowqualima, Washington, for he has spent the most of his life working in the shingle mills, until his hands were all cut up by their saws running in the mill, until he has been rendered useless for any further service to the mill owner or who thinks he owns it, because he has a deed to it. If the Industrial class of this world would advocate the principles to patronize the best place of business, do your trading where the crowd goes and you will find it will not be long before the people of this world will concentrate their trade to one-twentieth part of space that the business of the world is done in. By so doing, you wil knock nineteen tax payers out of every twenty, out of commission. And you will see it won't be long until they wil join in your army and will become your friend instead of your enemy and besides you will hit the political actionist class in the pocketbook. We must not allow them to get the money to hire a large force of police toughs who are in a habit of waving clubs over the heads of the industrial class.

Do your trading where the crowd goes. You will get better and fresher goods. Why? Because all the goods go out as

fast as they come in. Otherwise the goods lay in the stores from two to five years and the minute you try to put the goods on, they fall to pieces.

Let me tell you right here, in order that you all might realize the fact. That the Industrial class of this world has no interest in political action. Why? Because political action is a graft. And if anybody is entitled to a graft, it should be the dear, little women and not the able-bodied strong men that would look better if they were out shoveling on some railroad construction instead of spending their valuable time in political action which is only a graft based upon anything in which the most money can be made out of political action. Those political grafters come around at every election when they are out angling for suckers to vote for their ticket. They tell these suckers that the reason that they have a high tax on liquor is because it is an unnecessary evil, knowing at the time they are telling it, that habits that have taken years and years to shape and form will linger with a person until death and their liquor habits will haunt them to their graves, and they can make more money out of the business of political action by placing a tax on the habits of the people than they could on anything else that they could place a tax on. Why should not the dear little women and crippled up men that are not able to do outside work be more entitled to the graft instead of those who are able to do out-side work; who never produce anything, but consume three-fifths of the articles that the industrial class of the world produce and all we get in return is that cowardly creeping pen-men made artificial statute laws. Statute laws have been defined by all of the best men and the well learned men of the world as being a rule of action to compel the workers to do something for the actors that they are too lazy to do themselves. If we will assume to trace the origin of law back in the annals of historic trials of about four thousand years ago, when a man used to come out of a hole in the ground with a club in his hand and he would kill some snake for his dinner or lay in ambush until some deer would come running by and at a moments notice, he would make a spring at the deer and catch him by the horns and tear him to pieces barehanded. Now we will assume that there was quite a lot of them that did not like to do this kind of work. So they organ-

ized themselves into a body of political actionists and began to advocate that the game was all being killed off and that something had to be done to prevent the game from being killed off. So they elected them into office to make laws to prevent them from killing off all the game. And the first law that they made was to levy a tax of half a deer for every deer that was killed and that is how the political actors got their deer. By a rule of action to compell the deer-killers to kill their own deer by making a law that would only give the deer-killers half of what they killed. If anyone should be entitled to one half of a man's work it should be the dear little women and not the well, able-bodied men. Therefore, let the women have possession of political action instead of the men. But everything has changed quite a little since then For today we have a commercial labor-paying system of finance, called money, and the only thing that the political actionist class has got to give labor for the articles that labor produces, is that money, but they have got a half million of different laws in their favor that compels the workers to give them back their money every year in the line of fines, rent and taxes in a half million ways and forms. If thy did not have these laws, they would soon run out of money and they would not have anything more to give labor for the articles that labor produces. Has labor got any law that compells the political class to give the workers back their articles every year? Oh, no, labor can produce more.

Equal rights to all and special privileges to none. The best law that ever could be made in the interests of the workers would be to compel the political actors to give the workers back their articles every year. And what interest would that be to the workers when they would only be getting back what naturally belonged to them once before. Therefore I fail to se where the industrial class of the world has any interest in political action. Let the women have that graft. A man should not stoop so low as to trifle with political action. Voluntary social ownership only as far as their material interests extends itself clear around the whole wide world, based upon industrial administration should take the place of compulsary or collective ownership based upon political action. I would like to write another book on the

economic question. But my financial standing will not allow me to do it until I get money enough to put me in a position so that I would be able to spare the time it would take to write it and the money it would take in getting the writings of my book published.

All of the self, false and real statements in this book of the testimonies stated all the way through this book, simply and clearly show up that the so-called honorable Commissioners of this country, through their evil spirits have robbed me of everything that I was in possesion of. They even went so far as their evil spirits allowed them to go to a man by the name of Mr. Joe Saintclair, who was announced by the people of that locality to be crazy and there was a great deal of talk going on among a lot of people around Boyd and Orient about getting up a petition that would declare him to be insane. For every one to sign that would have agreed with the reading of the petition that would of have read to that effect. They went and got this man above mentioned, Mr. Joe Saintclair, to file a homestead right over my $4000.00 worth of valuable development work and over my mining claims.

This above Homestead application of Joe Saintclair was signed in the spring of 1914, A. D., by those cowardly, creeping pen-men. Creatures of Commissioners of this grand nation of America. Right in the neck of the time when they all knew that my assessment work held good by law until the year of January 1, 1915. Before my claims would be lawfully abandoned. Therefore the Commissioners of this country have not only robbed me of my $4000.00 worth of my development work. For no man would desire to put $4000.00 worth of work in a mine if I did not desire to think that my expectation of completing my desired work in my desired tunnel just as I did so earnestly and eagerly desire to continue to work gradually on, until I extended the end of my desired tunnel on to where it would someday be joined and united with the big shoot of my valuable mineralized ore of my precious metals that I did so earnestly and eagerly desire to get possession of. That is if the mobilized mob of the Commissioners of this country that I was born in, would not or did not disturb or rob me of my desired principle as they did do, and which was my greatest desired principle part of my desired life and that my

whole desired life did depend upon in all of my desired struggle to accomplish that end that I did desire to have in my desired point of view and which was my whole desired principle that my whole desired life demanded of me to do, depend upon for my life's existence on all of my desired struggles in all my work that I did desire to do in the end of my desired tunnel, all for the purpose of connecting my desired work in the end of my desired tunnel with my big shoot of my valuable mineralized ore of my precious metals. Just as I desired to accomplish the complete workings of my desired tunnel all the way through if I were not prevented from doing the same. Just as I did plead in this case of mine.

It was only a sample question of honesty with me in all of my pleadings that I did have with the Commisioners of this country. Plainly showing at all times that I was willing to give every one of those animal creatures of the Commissioners of this country the same intellectual rights that I claimed myself and any animal creatures of this country or any other country that will not is a rascal.

Now I did want to be honest with those creatures. Honor bright! So I asked them if I did not have the same right to think as I allowed them to have and they said "No". Now if I have no right to think out my own desired principles that my whole desired life depended upon in this matter of my protest and appeal case, for my whole life's existence, who has the right to think it out for me? And why have I got such a thing as a thinker? And why have I got a brain? And if I have no right to think for myself who has the right? Who has the right to think out my desired principles of life for me, concerning the whole matter in my case that my whole desired principle part of my life depend upon for existence?

They said to me, "Now do not disturb our opinions or our reframed and framed up false testimonies that we did frame up against you. If you do you will get our mind unsettled and will only make your protest and appeal cases more long and unfortunately complicated and a startling state of affairs in all of our desired efforts to settle through our terrible achievments in our frame-up against you with filthy, foul false stuff that had its effect of almost strangling the upper part of my throat and do you know that I did not desire to have my de-

sired breath taken away from me in such a mischeivous manner of apprehension as that and by doing this sort of thing they managed to frame up an idea that they could force me to settle all of my different matters concerned in all of my cases just the way they wanted them settled, that would be to their own material interests of their way of settling hem. They decided that they could do this by forcing it through their force pump that they did use against me in the continous stream of the continuous drifts of their mischeivous achievements that they did manage so successfully to succeed in throtling my voice every time that I would dare to make an attempt in my effort to utter a desired principle that I did have connected and established in my whole desired life. They did this so that I may never be able to hold my desired possessions and all of my desired principles that I did have in my possession that did naturally belong to me of all that I did create in my desired life through all of my desired struggle that I did create through all of my entire workings of my entire life and that my whole desired life did depend upon the same in all of my desired struggles of these workings as above described for my whole desired life, for my existence and I would have naturally held possession of the same if I were left alone and if I were not detained of every desired principle that I did have connected with my whole desired life by those detainers who are holding my whole desired principle of my whole desired life in their iron grip of so-called pen-men's law and made to order that has beenwritten by the so-called honorable Commissioners of this country and who did so successfully succeed in damning my whole desired life principle that I had connected with my desired life and the same did take me years and years to shape and form for my desired purpose only, to have the same all connected with my whole desired life. And now all has been damned to the full extent that I have never yet been able to derive any benefit from the same and I have never been able to desire to accomplish anything since that time those mobolized mobs of Commissioners of this country did detain and hold my desired principles of my desired life through their desired efforts of so-called law, made to order in all of the matter concerned in my mining claim.

They did conclude to do this by foirce. And do you know,

I did never appreciate it. I did not appreciate their iron arguments that they did wilfully frame up against me, a lawless farce, that did have its effect to the full extent of giving them the advantage that they did use over me that they did so successfully succeed in in taking away from me all of my desired principle of my desired life by willfully denouncing against every desired principle that I did desire to have in the make up of my desired life and they did willfully repudiate against me with their lawless scoff and false testimonies in their frame up against every desired principle that I did desire to have, in every one of my efforts that I did desire to make an attempt to work in the end of my desired tunnel that I so eagerly and gradually desired to extend the running of my gradual work in the and of my desired tunnel on until I reached my big, valuable shoot of my desired mineralized ore of my precious metals that I did so earnestly and eagerly desire to obtain through my desired efforts of my desired work. Just as I did desire to work on until I completed my desired work in the end of my desired tunnel so that the end of my desired tunnel would become connected with my big, desired shoot of my well mineralized ore of my desired precious metals, that I did desire so eagerly to obtain the same as above stated just as I did desire to have my valuable well mineralized ore of my precious metals that does lay within the bowels of my high mountains and I wanted to put them on the market in order that my valuable mineralized ore may be treated with the process that will seperate the different metals into their consistent elemental parts and the same values after being treated as above stated would have more than one million dollars over paid me for my whole entire cost of all my desired time of labor and money it would have taken me to completely complete all of my desired work in the end of my desired tunnel until I would have the desired end of my desired tunnel connected with my valuable desired shoot of my well mineralized ore of my valuable precious metals that I did so eagerly try with all of my efforts of my ambition to get possession of. Just as I did desire to plead for all the way through in this case of mine to accomplish that result. If the mobolized mob of the Commissioners of this country did not interfere with my desired tunnel that I did so earnestly desire to join with my desired valuable shoot

of my well mineralized ore of my precious metals, beds or stratum of layers of lodes in ore rocks that has been laid within the bowels of my high mountains and that my big ledge of my mineral ore that measured two feet and eight inches wide and the same ledge layers lay in between two well defined walls and the same did spring up through the surface of my highest peak or apex on top of my high mountain of my Greenhorn Quartz Mineral Claim from that big shoot of my valuable mineralized ore above stated and therefore, as a matter of fact, the world over, we must all agree that the big valuable shoot of my well mineralized ore that lays within the bowels of my high mountain is there by all means, for it is the only true sign that a miner has got to go by. That such a ledge of ore as above stated always comes from a valuable big shoot of well mineralized ore. And whenever the same has been reached with a desired tunnel it has never yet proven to become a failure the world over, but the same did become a valuable mine. Therefore we must all agree with the fact that the only indication that a miner has got to go by the world over, that the same has always proven to be a fact that such a ledge of mineral ore as above stated is self-evidence again and again as a sure sign that the ledge mentioned has been shot from a big valuable shoot of well mineralized ore up through the surface of any highest point on top of any high mountain. Such as my high mountain that stands about twelve hundred feet higher than the railroad track, and the railroad track stands less than a mile east of my high mountain that is situated on my five quartz mineral claims all joining one another on the north of my Greenhorn quartz mineral claim.

Therefore the Commissioner of this country did not only rob me of my four thousand dollars worth of development work that I did really do, they have also robbed me of my big valuable shoot of my well mineralized ore, of my precious metals bed or stratums, of my layers of my lode in ore rocks that had been laid in the bowels of my high mountain. Besides they have robbed me of my whole life desired principle of my desired mine that I did have connected with my whole desired life and the support of my desired life did depend upon the same desired principles of my desired life for my existence in the future and all of the same, just as described

has all been taken away from me by and through these same United States Land Commissioners of America. To the full extent that I have never been able to desire to accomplish anything from that time that mobilized mobs of Commissioners of this country did detain and hold every desired principle that I did so eagerly desire to obtain and have them all connected with my desired life. All through their desired efforts in their attempt to defraud me of everything that belongs to my desired life, past and future, and hold it in their iron grip of their so-called penmen's laws made to their order and therefore on account of them all I was compelled to leave my mining claim, because I was about all in from fighting them. They were too many for me. So I left my mines to the United States Land Commissioners at Washington, D. C. That is to say, what was left of them after they had robbed me of all my desired principle which was the greatest part of my whole desired life by preventing me from accomplishing that for which I did desire to accomplish.

So I came down to Spokane, Washington, and traded off one-half interest of whatever interest the Commissioners of this country had left me to trade off into my mining claims to a man by the name of Mr. Buffalar, for 500 shares of capital stock in the Empire Manufacturing Co., at Spokane, Washington. Dated this twentieth day of October, 1914. I don't know whether the stock has any value or not, but I am compelled to realize the fact that there was nothing left for me to do but to make the trade, so I made it, for I was glad to get away from my troubles. For, every time I would take the matter of my mining claims into consideration I would, somehow or other always arrive at the same conclusions, that if I attempt to work any more on my mining claim the fact of the matter would be that the Commissioners of this county would endeavor to involve me in every little point that would be to their own material interests against all of my desires of accomplishing that which would be to my material interests of the full part of my desired life of everything that I would undertake to accomplish on my mining claim. Therefore, I know if I dared to make an attempt to work on my claim any longer they would denounce me in the name of law. So-called laws, made to their order. Just as they all did do to me in the past.

And just as Mr. Hal J. Cole did do to me at the time he did grant to me the privilege and right to plead the principal facts of my own protest case in self defense. On the merits that I did not have the money for a ten dollar seal to hire a lawyer. And fifteen minutes afterwards, right in the midst of my talking on the merits of my case, he did take the same privilege right away from me again, by saying that this case would not go on any further until I pay the ten dollar seal that he did use to seal my mouth with, and which was the same ten dollar seal that he knew I did not have to hire a lawyer with or to pay him for having the ten dollar seal released from my mouth, that he did hold me in bondage for till paid, before I will be able to finish pleading the situation of my protest case. So you can all see the situation I was in. He did grant me the privilege and right to plead the principal facts of my case, in self-defense. Or in other words, he did or he did not grant me the privilege and right to plead the merits of the principal features of the situation of my protest case. Or all anyone can make out of it in still other words, is, that he did and that he did not, give me the privilege and right to plead my own case in self-defense.

At ten o'clock A. M., June 6th, 1912, and which was the day of my birth, held inside the United States Land Office of Spokane, Washington, at that very time mentioned, Mr. Cole did apparently seem to appear to me as being absolutely as one who did assume to resemble the apparent qualities of more features of superior power than what were ever possessed in all of the quality features of any impartial jury that ever dared to assume to be composed of and that were ever selected by preference from all of the choice, chosen, people of the world. And what is furthermore, I dare anyone to show me in all of the annals of all of the historic trials that were ever tried in any Court of Justice that was ever put on the records of all of the annals of history in this whole wide world, where such a jury ever dared to assume the supreme authority to render a verdict that would grant anyone the absolute privilege and right to plead his own case, in self defense on the principal merits of the case, based upon the grounds that he did not have the price of a ten dollar seal to hire a lawyer. And, then right in the midst of his plea they would withdraw

the previous decision that they did grant to him, on the starting point of his plea, and then render another verdict that would knock the pleader out of commission by taking the privilege and right of pleading his own case in self defense away from him again, that they did grant to him right on the start, by fetter-locking his mouth with the shackles of a key; so called a ten dollar seal, that they did all know he did not have. The key of a so-called ten dollar seal and which was the same key that they all knew he did not have to hire a lawyer with, and which was the same key that they did base the merits on of granting him the privilege right to plead his own case in self defense. Based upon the merits of that key, so-called a ten dollar seal. Which same has now got to be paid before this case can go on any further, unless he will produce the key of a so-called ten dollar seal, that they all knew that he did not have the key on the start of the case, that they all did give him he privilege and right to plead his own case on. And now this is the only key that will unlock the fetter-lock that they had hobbled around his throat for the purpose of shutting off his wind-pipe, in order that his mouth may not be able to voice a warbling word, in every effort that he would endeavor to make the atempt to proceed in trying to finish utering the situation of his case any farther on until he would pay them the ten dollar seal for the key first, before they would release the shackles of that ten dolar seal from his mouth that they all would so absolutely hold in bondage until paid. Therefore they were al certainly sure that they could hold his talker in bondage as long as no one else would pay ten dollars before they would let the pleader completely finish pleading the situation of his case.

This is percisely what Mr. Hal J. Cole did do with me on my birthday. Oh, yes, it is fine to have the breath of my talker shut off in such a manner as that. It was a nice birthday gift, you know, to have my talker stifled in this way. And of course I did not approve of being suffocated for the want of breath to talk on my case choked off in that way all for the want of that ten dollar seal, and which was the only key that would release my throttled voice from the bondage that he did hold my throttled mouth in, until someone else would pay it for me.

Now, if I have no right to talk, who has? And why have I got such a thing as a talker if I have no right to talk? And why have I got brains and a mouth for, if my talker has no right to talk? Who is that talker tha has got that mouth-piece of a musical instrument that has got the right to talk for me every time that I desire to talk on my protest case?

If Mr. Cole did not want me to finish pleading the whole principle features of my protest case, in self-defense, why did he grant me the privilege and right in the first place? And if so, why did he choke my talker off from talking right in the midst of my pleadings fifteen minutes right after from the starting point that he did grant me the privilege right to plead my own case for? Unless it was to see if my talking in the pleadings of my protest case would convict myself. Just as his pre-arranged judgment expected me to do and which would have suited him, but after discovering that his own pre-arranged mind had deceived his own expectations on that. Because my pleadings in my talk of the situation of my protest case did not convict me and which are the only reason I can give why his pre-arranged fixed opinion did not satisfactorily approve of my finishing the complete pleading of the principle situation of my protest case. And, as a matter of fact, without a shadow of doubt are the only reasons why he did and why he did not grant me the privilege right to plead my own case in self-defense.

Nice work, isn't it? Wouldn't he make a dandy umpire to umpire a ball game? That is, if he would ever dare to make an attempt to grant a verdict to a player, just as above stated, every time a ball player would be in the act of a play that he did make, and then right in the midst of the act of the ball player trying to finish, Mr. Cole, the umpire of the ball game would withdraw all of the previous decisions that he did grant to the player, and then render another verdict that would knock the ball player out of commission by saying that "this play wil go no further until you pay me a ten dolalr seal. For the key that I have in my possession and the same fits all of the fetter-locks that I need to umpire this whole ball game.

This is precisely the way that I have been treated by the Commissioners of this country in my protest and appeal cases,

from start to finish. And, if they could not destroy my desired principles of my whole desired life that way they would call for more crazy people to help them for the purpose of trying to find some one crazy enough to file a homestead or some other right, right over all of my four thousand dollars worth of my assessed development work and right over my mining claims. And then they would conclude that they would willfully and lawlessly sign their application of a homestead right or some other right, right in the nick of time, when they did all know that my assessment work that I had done on my five quartz mineral claim held good according to law for over eight months yet before my five mining claims would be lawfully abandoned, just as they did do in the spring of 1914 with Mr. Joe Saintclair. So I thought the best thing I could do was to leave the country. So I came to Los Angeles, Cal.

Before I left Spokane, Washington, Mr. Buffalar told me that the greatest desired principle of his life was to go right away up to Boyds, Washington and from there he would go up to my mining claim to work, before my assessment work that I have done on my five quartz mineral claims would run out and the same held good by law until January 1, 1915, before my five quartz mining claims would be abandoned. His greatest desire of his principle life was to go to work right away in the end of my tunnel on until his workings in the end of his tunnel would become united with the big valuable shoot of my well mineralized ore of precious metals and that big off-shoot ledge did crop right up through the surface of my higest peak or apex of my high mountain of my Greenhorn quartz mineral claim from that shoot of mineral ore mentioned or described all the way through from start to finish in this book. And as I have not heard a word from Mr. Baffaler up to this date of April 27, 1915, therefore I am totally unconscious of the facts pertaining to the situation that my mining claims are in, up to this date stated, until I will desire to further investigate the situation of my claims are in, in the future. I do not know if the mobolized mob allowed Mr. Buffaler to do any work on my mine or not, as he did tell me that he did desire to do. Therefore I am not able to tel if the mobolized mob of the Commissioners of this country are still throwing pebbles into Mr. Buffaler's wheels of progress or not. Every time he would

dare to desire to work or to make an attempt to wheel out a load of ore rocks out of the ends of his tunnel for the purpose of uniting the end of his desired tunnel with the big valuable shoot of my well mineralized ore of my precious metals. Just so they did do with me in that same part. And so I have nothing more to tell or to write about the situation of my five quartz mining claims any more than I have already stated. So I will close my book by saying that I do want it clearly and distinctly understood by all the readers of this book, whomsoever the readers may be, that I do not want the reader to believe a word of any of the stated testimony that is stated in this book of mine. I say this because I know the readers' mind is made up of two parts and one part of the readers mind reasons with the other part of the mind. Therefore if the reader will do me the favor that I ask of him to put every word of the stated testimonies that he reads in this book to his mind and if you will do this your mind will reason them all out for you whether or not the stated testimonies from start to finish in this book stated are just or have been an unjust re-framed frame up against me. I want every reader to be their own self, use your own mind, use your own judgement in forming your own ideas and opinions on every word of the stated testimonies that is stated from start to finish in this book, whether or not they are true or untrue or right or wrong. And be sure that the whole beauty of your whole sentence or story is not lost just through the mis-understanding of one single word. Therefore, I want the reader to consider carefully and ponder seriously into this matter in order that the reader may not be mistaken in giving his right answer. And, if he will do this just as above stated, I am sure he will arrive at some of the final touches of conclusion. And whatever those final touches of conclusion may be, I will be pleased to know.

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